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सं. 29]

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No. 29]

NEW DELHI, JULY 16—JULY 22, 2006, SATURDAY/ASADHA 25—ASADHA 31, 1928

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पुस्तक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएँ
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

कार्यिक, लोक शिकायत तथा वैधानिक न्यायालय

(कार्यिक और प्रशिक्षण विभाग)

नई दिल्ली, 12 जुलाई, 2006

MINISTRY OF PERSONNEL, PUBLIC

GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 12th July, 2006

का.आ. 2744.—केन्द्रीय सरकार एतद्वारा चंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए श्री आर. एस. महामने, अधिवक्ता, मुंबई (श्री वी. सी. गुप्ते के कमिष्ठ) को दिल्ली विशेष पुलिस स्थापना (के. अ. ब्यूरो) द्वारा मुंबई में माननीय विशेष न्यायालय (टोर्ट्स) में संस्थित मामला आरसी-18 (एस)/92-बंगलौर के अभियोजन और अपील न्यायालय, पुनरीक्षण न्यायालय अथवा किसी अन्य न्यायालय में इससे संबंधित अथवा आनुबन्धिक अपीलों, पुनरीक्षणों अथवा अन्य विषयों का संचालन करने के लिए विशेष लोक अभियोजक के रूप में नियुक्त करती है।

[सं. 225/2/2004-ए वी डी-II]

चंद्र प्रकाश, अवर सचिव

S.O. 2744.—In exercise of the powers conferred by sub-section (8) of section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints Shri R. S. Mhamane, Advocate, Mumbai (Junior to Shri V. C. Gupte) as Special Public Prosecutor for conducting prosecution in case RC 18(S)/92-BLR, instituted by Delhi Special Police Establishment (CBI) in the Hon'ble Special Court (TORTS) at Mumbai and appeals, revisions or other matters connected therewith or incidental thereto, in the Appellate Court, Court of Revision, or in any other court.

[No. 225/2/2004-AVD-II]

CHANDRA PRAKASH, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

(केन्द्रीय प्रत्यक्ष कर बोर्ड)

नई दिल्ली, 29 जून, 2006

(आयकर)

का.आ. 2745.—जबकि आयकर अधिनियम, 1961 (1961 का 43) (यहां आगे उक्त अधिनियम कहा गया है) की धारा 80 झ क की उपधारा (4) के खंड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार ने 1 अप्रैल, 1997 से शुरू होकर तथा 31 मार्च, 2002 को समाप्त होने वाली अवधि के लिये संख्या का. आ. 193 (अ) दिनांक 30 मार्च, 1999 के ज़रिए तथा 1 अप्रैल, 1997 से शुरू होकर तथा 31 मार्च, 2006 को समाप्त अवधि के लिए संख्या का. आ. 354 (अ) के ज़रिए भारत सरकार, वाणिज्य और उद्योग मंत्रालय (औद्योगिक नीति और संवर्धन विभाग) की अधिसूचनाओं द्वारा औद्योगिक पार्क की योजना निर्मित और अधिसूचित की है;

और जबकि मैसर्स हीरानन्दानी बिल्डर्स, 514, डालामल टावर्स, 211, नरीमन प्वाइंट, मुम्बई-400021 ने पोवल ग्राम के सी टी एस नं. 22 प्लॉट, 23 प्लॉट, 27 प्लॉट, 28 प्लॉट, 29 प्लॉट, 30 प्लॉट, और ग्राम चांदविली, मुम्बई, महाराष्ट्र-400076 का 11 प्लॉट पर हीरानन्दानी बिल्डर्स औद्योगिक पार्क नाम से एक औद्योगिक पार्क का विकास किया है;

और जबकि केन्द्र सरकार ने इस अधिसूचना के अनुबंध में उल्लिखित नियम और शर्तों के अधीन वाणिज्य तथा उद्योग मंत्रालय के दिनांक 15-2-2005 के पत्र सं. 15/32/04-आई पी एंड आई डी के अन्तर्गत उक्त औद्योगिक पार्क अनुमोदित किया है;

अब इसलिए उक्त अधिनियम की धारा 80 झ क की उपधारा (4) के खंड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा उक्त खंड (iii) के प्रयोजनार्थ औद्योगिक पार्क के रूप में मैसर्स हीरानन्दानी बिल्डर्स, मुम्बई द्वारा विकसित तथा अनुरक्षित एवं प्रचालित किए जा रहे उक्त उपक्रम को अधिसूचित करती है।

अनुबंध

शर्तें जिन पर भारत सरकार ने मैसर्स हीरानन्दानी बिल्डर्स, मुम्बई द्वारा औद्योगिक पार्क को गठित किए जाने हेतु अनुमोदन प्रदान किया गया है।

1. (i) औद्योगिक उपक्रम का : मैसर्स हीरानन्दानी बिल्डर्स, नाम मुम्बई।
- (ii) प्रस्तावित स्थान : मैसर्स हीरानन्दानी बिल्डर्स औद्योगिक पार्क, ग्राम पोवल के सी टी एस नं. 22 प्लॉट, 23 प्लॉट, 27 प्लॉट, 28 प्लॉट, 29 प्लॉट, 30 प्लॉट और ग्राम चांदविली, मुम्बई, महाराष्ट्र-400076 का 11 प्लॉट।

(iii) औद्योगिक पार्क का : 22570.33 वर्ग मीटर क्षेत्रफल

(iv) प्रस्तावित कार्यकलाप :

एन आई सी संहिता के साथ औद्योगिक कार्यकलाप का स्वरूप

एन आई सी संहिता				विवरण
क्रम सं.	अनुभाग	प्रभाग	समूह	श्रेणी
क	2 और 3	-	-	विनिर्माण
ख	4	-	-	बिजली गैस और पानी
ग	7	75	-	संचार सेवाएं
घ	8	89	892	डाटा प्रोसेसिंग, साफ्टवेयर विकास तथा कम्प्यूटर कंसलटेंसी सेवाएं
ङ	8	89	894	कारोबार तथा प्रबंधन कंसलटेंसी कार्यकलाप
च	8	89	894	वास्तुशिल्पीय तथा इंजीनियरी एवं अन्य तकनीकी कंसलटेंसी कार्यकलाप
छ	8	89	895	तकनीकी परीक्षण एवं विश्लेषण सेवाएं।

(v) औद्योगिक उपयोग के लिए प्रस्तावित आर्बेटनीय क्षेत्र का प्रतिशत : 90.69%

(vi) वाणिज्यिक उपयोग के लिए निर्धारित भूमि का प्रतिशत : 9.31%

(vii) औद्योगिक यूनिटों की प्रस्तावित संख्या : 5 यूनिटें

(viii) प्रस्तावित कुल निवेश (राशि रुपए में) : 30,22,97,189.93

(ix) औद्योगिक उपयोग के लिए निर्मित स्थान पर निवेश (राशि रुपए में) : 26,04,12,659.00

(x) अवसंरचनात्मक विकास पर निवेश जिसमें औद्योगिक उपयोग के लिए निर्मित स्थान पर निवेश भी शामिल है (राशि रुपए में) : 29,73,76,711.00

(xi) औद्योगिक पार्क के आरंभ होने की प्रस्तावित तिथि : 31 मई, 2003

2. किसी औद्योगिक पार्क में अवसंरचना विकास पर न्यूनतम निवेश कुल परियोजना लागत के 50% से कम नहीं होगा। ऐसे औद्योगिक पार्क जो औद्योगिक उपयोग के लिए निर्मित स्थल प्रदान करता है, के मामले में औद्योगिक स्थल के निर्माण कार्य की लागत सहित विकास अवसंरचना पर न्यूनतम खर्च कुल परियोजना लागत के 60% से कम नहीं होगा।

3. संरचना विकास में सड़क (सम्पर्क सड़क सहित), जलापूर्ति तथा सीवरज, दूषित जल शोधन सुविधा, टेलिकॉम नेटवर्क, विद्युत उत्पादन एवं वितरण, वातानुकूलन तथा ऐसी अन्य सुविधाएं जो औद्योगिक कार्यकलाप हेतु सामान्य उपयोग के लिए हैं जो वाणिज्यिक दृष्टि से निर्धारणीय एवं प्रयुक्त हैं।

4. दिनांक 1 अप्रैल, 2002 की का. आ. 354 (अ) के पैराग्राफ 6 के उप पैराग्राफ (ख) में निर्दिष्ट ब्रालिका के कालम (2) में उल्लिखित कोई एकल इकाई किसी औद्योगिक पार्क के लिए नियत औद्योगिक क्षेत्र का 50% से अधिक हिस्सा धारित नहीं करेगी। इस प्रयोजनार्थ किसी इकाई का आशय एक या एक से अधिक राज्य अथवा केन्द्रीय कर कानून प्रयोजन के लिए किसी अलग तथा भिन्न कम्पनी से है।

5. आवश्यक अनुमोदनों जिनमें विदेशी निवेश संवर्धन बोर्ड के द्वारा विदेशी प्रत्यक्ष निवेश अथवा अनिवासी भारतीय निवेश अथवा भारतीय रिजर्व बैंक अथवा यथा समय प्रवृत्त किसी कानून के अन्तर्गत विनिर्दिष्ट कोई प्राधिकरण भी शामिल है, को प्रवृत्त नीति तथा प्रक्रियाओं के अनुसार अलग से लिया जाएगा।

6. इस अधिसूचना के पैरा 1 (vii) में विनिर्दिष्ट संख्या में इकाइयों के औद्योगिक पार्क में अवस्थित होने के उपरान्त ही इस अधिनियम के अन्तर्गत कर लाभ प्राप्त हो सकते हैं।

7. मैसर्स हीरानन्दानी बिल्डर्स, मुम्बई उस अवधि के दौरान औद्योगिक पार्क का प्रचालन जारी रखेगा जिस अवधि में आयकर अधिनियम, 1961 की धारा 80 झ क की उपधारा (4) के खंड (iii) के अन्तर्गत लाभ लिए जाने हैं।

8. यदि उक्त औद्योगिक पार्क के आरंभ होने में इस अधिसूचना के पैरा 1 (xi) में निर्दिष्ट तिथि से एक वर्ष से ज्यादा विलम्ब होता है तो आयकर अधिनियम, 1961 की धारा 80 झ क की उपधारा 4 (iii) के अंतर्गत लाभ प्राप्त करने के लिए औद्योगिक पार्क योजना, 2002 के अंतर्गत नया अनुमोदन प्राप्त करना अपेक्षित होगा।

9. यह अनुमोदन वैध रहेगा और मैसर्स हीरानन्दानी बिल्डर्स, मुम्बई ऐसी किसी प्रतिक्रिया की अवैधता के लिए स्वयं ही जिम्मेदार होगा, यदि

- (i) आवेदन पत्र जिसके आधार पर केन्द्र सरकार द्वारा अनुमोदन प्रदान किया गया है, में गलत सूचना/सूचना अथवा कतिपय तथ्यपरक सूचना न दी गई हो।
- (ii) यह उक्त औद्योगिक पार्क की अवस्थिति हेतु है जिसके लिए अनुमोदन किसी अन्य उपक्रम के नाम में पहले ही प्रदान किया गया है।

10. यदि मैसर्स हीरानन्दानी बिल्डर्स, मुम्बई (अर्थात् अन्तरणकता उपक्रम) औद्योगिक पार्क का प्रचालन और अनुरक्षण किसी दूसरे उपक्रम (अर्थात् अन्तरिती उपक्रम) को हस्तांतरित करेगा तो अन्तरणकता और अन्तरिती उपर्युक्त हस्तांतरण के लिए अन्तरणकता और अन्तरिती उपक्रम के बीच निष्पादित करार की प्रति के साथ औद्योगिक सहायता सचिवालय, औद्योगिक नीति और संवर्धन उद्योग विभाग, उद्योग भवन, नई दिल्ली-11 की उद्यमशीलता सहायता यूनिट संयुक्त रूप से सूचित करेंगे।

11. इस अधिसूचना में उल्लिखित शर्तों के साथ-साथ औद्योगिक पार्क स्कीम, 2002 में शामिल उन शर्तों का अनुपालन उस अवधि के दौरान किया जाना चाहिए जिसके लिए इस स्कीम के अंतर्गत लाभ प्राप्त किए जाने हैं। केन्द्र सरकार उपर्युक्त अनुमोदन को वापस ले सकती है यदि मैसर्स हीरानन्दानी बिल्डर्स, मुम्बई औद्योगिक पार्क स्कीम, 2002 में विहित शर्तों अथवा इस अधिसूचना की किसी भी शर्त के अनुपालन में असफल रहता है।

12. केन्द्र सरकार के अनुमोदन के बिना प्रोजेक्ट प्लान में किया गया कोई भी संशोधन अथवा भविष्य में पता लगना अथवा किसी ठोस तथ्य का उद्घाटन करने में आवेदक का असफल रहना, औद्योगिक पार्क के अनुमोदन को अवैध बना देना।

[अधिसूचना सं. 144/2006/फा. सं. 178/38/2005-आ. क.

नि.-I(खण्ड)]

दीपक गर्ग, अवर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

(CENTRAL BOARD OF DIRECT TAXES)

New Delhi, the 29th June, 2006

(INCOME-TAX)

S.O. 2745.—Whereas the Central Government in exercise of the powers conferred by clause (iii) of sub-section (4) of Section 80-IA of the Income-tax Act, 1961 (43 of 1961) (hereinafter referred to as the said Act), has framed and notified a scheme for industrial park; by the notifications of the Government of India in the Ministry of Commerce and Industry (Department of Industrial Policy and Promotion) vide number S.O. 193(E), dated the 30th March, 1999, for the period beginning on the 1st day of April, 1997 and ending on the 31st day of March, 2002 and vide number S.O. 354(E) dated the 1st day of April, 2002, for the period beginning on the 1st day of April, 1997 and ending on the 31st day of March, 2006;

And whereas M/s. Hiranandani Builders, 514, Dalamal Towers, 211, Nariman Point, Mumbai-400021 has developed an Industrial Park, namely, Hiranandani Builders Industrial Park at CTS No. 22 Pt., 23 Pt., 27 Pt., 28 Pt., 29 Pt., 30 Pt., of Village Powai and 11 Pt., of Village Chandivli, Mumbai, Maharashtra-400076;

And whereas the Central Government has approved the said Industrial Park vide Ministry of Commerce and Industry letter No. 15/32/04-IP&ID dated 15-2-2005 subject to the terms and conditions mentioned in the annexure to this notification;

Now, therefore, in exercise of the powers conferred by clause (iii) of sub-section (4) of Section 80-IA of the said Act, the Central Government hereby notifies the undertaking, developed and being maintained and operated by M/s. Hiranandani Builders, Mumbai as an industrial park for the purposes of the said clause (iii).

ANNEXURE

The terms and conditions on which the approval of the Government of India has been accorded for setting up of an industrial park by M/s. Hiranandani Builders, Mumbai.

1. (i) Name of the Industrial : Hiranandani Builders Undertaking
- (ii) Proposed location : Hiranandani Builders Industrial Park, CTS No. 22 pt., 23 pt., 27 pt., 28 pt., 29 pt., 30 pt., of Village Powal and 11 pt. of Village Chandivli, Mumbai, Maharashtra-400076.
- (iii) Area of Industrial Park : 22570.33 Sq. Meters
- (iv) Proposed activities :

Nature of Industrial activity with NIC Code				
NIC Code		Description		
Sl. No.	Section	Division	Group	Class
A	2&3	—	—	—
B	4	—	—	—
C	7	75	—	—
D	8	89	892	—
E	8	89	894	—
F	8	89	894	—
G	8	89	895	—

- (v) Percentage of allocable area proposed for industrial use : 90.69%
 - (vi) Percentage of land earmarked for commercial use. : 9.31%
 - (vii) Minimum number of industrial units : 5 Units
 - (viii) Total investments proposed (Amount in Rupees) : 30,22,97,189.93
 - (ix) Investment on built up space for Industrial use (Amount in Rupees). : 26,04,12,659.00
 - (x) Investment on Infrastructure Development including investment on built up space for industrial use (Amount in Rupees) : 29,73,76,711.00
 - (xi) Proposed date of commencement of Industrial park : 31st May, 2003
2. The minimum investment on infrastructure development in an Industrial Park shall not be less than 50% of the total project cost. In the case of an Industrial Park which provides built-up space for industrial use, the minimum expenditure on infrastructure development including cost of construction of industrial space, shall not be less than 60% of the total project cost.
 3. Infrastructure development shall include, roads (including approach roads), water supply and sewerage, common effluent treatment facility, telecom network, generation and distribution of power, air-conditioning and such other facilities as are for common use for industrial activity which are identifiable and are provided on commercial terms.
 4. No single unit referred to in column (2) of the Table given in sub-paragraph (b) of paragraph 6 of S.O. 354(E) dated the 1st April, 2002, shall occupy more than fifty percent of the allocable industrial area of an Industrial Park. For this purpose a unit means any separate and distinct entity for the purpose of one and more state or Central tax laws.
 5. Necessary approvals, including that for foreign direct investment or non-resident Indian investment by the Foreign Investment Promotion Board or Reserve Bank of India or any authority specified under any law for the time being in force, shall be taken separately as per the policy and procedures in force.

6. The tax benefits under the Act can be availed of only after the number of units indicated in Para 1(vii) of this Notification, are located in the Industrial Park.
7. M/s. Hiranandani Builders, Mumbai shall continue to operate the Industrial Park during the period in which the benefits under clause (iii) of sub-section (4) of Section 801 A of the Income-tax Act, 1961 are to be availed.
8. In case the commencement of the Industrial Park is delayed by more than one year from the date indicated in Para 1(xi) of this notification, fresh approval will be required under the Industrial Park Scheme, 2002, for availing benefits under sub-section 4(iii) of Section 801 A of the Income Tax Act, 1961.
9. The approval will be invalid and M/s. Hiranandani Builders, Mumbai, shall be solely responsible for any repercussions of such invalidity, if
 - (i) The application on the basis of which the approval is accorded by the Central Government contains wrong information/misinformation or some material information has not been provided in it.
 - (ii) It is for the location of the industrial park for which approval has already been accorded in the name of another undertaking.
10. In case M/s. Hiranandani Builders, Mumbai, transfers the operation and maintenance of the industrial park (i.e. transfer undertaking) to another undertaking (i.e. the transferee undertaking), the transferor and transferee shall jointly intimate to the Entrepreneurial Assistance Unit of the Secretariat for Industrial Assistance, Department of Industrial Policy and Promotion, Udyog Bhawan, New Delhi-11 along with a copy of the agreement executed between the transferor and transferee undertaking for the aforesaid transfer.
11. The conditions mentioned in this notification as well as those included in the Industrial Park Scheme, 2002 should be adhered to during the period for which benefits under this scheme are to be availed. The Central Government may withdraw the above approval in case M/s. Hiranandani Builders, Mumbai, fails to comply with any of the conditions.
12. Any amendment of the project plan without the approval of the Central Government or detection in future, or failure on the part of the applicant to disclose any material fact, will invalidate the approval of the industrial park.

[Notification No. 144/2006/F. No. 178/38/2005-ITA-I (Part)]

DEEPAK GARG, Under Secy.

नई दिल्ली, 30 जून, 2006

(आयकर)

का.आ. 2746.—जबकि आयकर अधिनियम, 1961 (1961 का 43) (यहाँ आगे उक्त अधिनियम कहा गया है) की धारा 80 झक की उपधारा (4) के खंड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार ने 1 अप्रैल, 1997 से शुरू होकर तथा 31 मार्च, 2002 को समाप्त होने वाली अवधि के लिये संख्या का. आ. 193 (अ) दिनांक 30 मार्च, 1999 के ज़रिए तथा 1 अप्रैल, 1997 से शुरू होकर तथा 31 मार्च, 2006 को समाप्त अवधि के लिए संख्या का. आ. 354 (अ) के ज़रिए भारत सरकार, वाणिज्य और उद्योग मंत्रालय (औद्योगिक नीति और संवर्धन विभाग) की अधिसूचनाओं द्वारा औद्योगिक पार्क की योजना निर्मित और अधिसूचित की है;

और जबकि मैसर्स कोरटेक रीएल्टी प्राइवेट लिमिटेड जिसका पंजीकृत कार्यालय 'दिव्यश्री चेम्बर्स' 'विंग ए,' सं. 11, ओशंगनैसी रोड, बंगलौर-560025 में है, ने प्लॉट सं. 1, सोसायटी सं. 143, 212, 213, 214 और 215, ई पी आई पी औद्योगिक क्षेत्र, हूदी ग्राम, के. आर. पुरम होबली, बंगलौर में एक औद्योगिक पार्क का विकास किया है;

और जबकि केन्द्र सरकार ने इस अधिसूचना के अनुबंध में उल्लिखित शर्तों के अधीन वाणिज्य तथा उद्योग मंत्रालय के दिनांक 11-4-2005 के पत्र सं. 15/18/05-आई पी एंड आई डी के अन्तर्गत उक्त औद्योगिक पार्क को अनुमोदित किया है;

अब इसलिए उक्त अधिनियम की धारा 80 झ क की उपधारा (4) के खंड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा उक्त खंड (iii) के प्रयोजनार्थ औद्योगिक पार्क के रूप में मैसर्स कोरटेक रीएल्टी प्राइवेट लिमिटेड बंगलौर द्वारा विकसित तथा अनुरक्षित एवं प्रचालित किए जा रहे उक्त उपक्रम को अधिसूचित करती है।

अनुबंध

शर्तों जिन पर भारत सरकार ने मैसर्स कोरटेक रीएल्टी प्राइवेट लिमिटेड, बंगलौर द्वारा औद्योगिक पार्क को गठित किए जाने हेतु अनुमोदन प्रदान किया गया है।

1. (i) औद्योगिक उपक्रम का नाम : कोरटेक रीएल्टी प्राइवेट लिमिटेड, बंगलौर
- (ii) प्रस्तावित स्थान : प्लॉट सं. 1, सोसायटी सं. 143, 212, 213, 214 और 215, ई पी आई पी औद्योगिक क्षेत्र, हूदी ग्राम, के. आर. पुरम, होबली, बंगलौर
- (iii) औद्योगिक पार्क का कुल क्षेत्रफल : 196322.87 वर्ग मीटर

(iv) प्रस्तावित कार्यकलाप :

एन आई सी संहिता के साथ औद्योगिक कार्यकलाप का स्वरूप

एन आई सी संहिता				विवरण
क्रम अनुभाग सं.	प्रभाग	समूह	श्रेणी	
क	8	89	892	- डाटा प्रोसेसिंग, साफ्टवेयर विकास तथा कम्प्यूटर कंसलटेंसी सेवाएं
ख	8	89	893	- कारोबार तथा प्रबंधन कंसलटेंसी कार्यकलाप
ग	8	89	894	- वास्तुशिल्पीय तथा इंजीनियरी एवं अन्य तकनीकी कंसलटेंसी कार्यकलाप
घ	8	89	895	- तकनीकी परीक्षण एवं विश्लेषण सेवाएं

- (v) औद्योगिक उपयोग के लिए प्रस्तावित आबंटनीय क्षेत्र का प्रतिशत : 90.08%
- (vi) वाणिज्यिक उपयोग के लिए निर्धारित भूमि का प्रतिशत : 9.92%
- (vii) औद्योगिक यूनिटों की प्रस्तावित संख्या : 3 यूनिटें
- (viii) प्रस्तावित कुल निवेश (राशि रुपए में) : 11,519.96 लाख
- (ix) औद्योगिक उपयोग के लिए निर्मित स्थान पर निवेश (राशि रुपए में) : 7257.57 लाख
- (x) अवसंरचनात्मक विकास पर निवेश जिसमें औद्योगिक उपयोग के लिए निर्मित स्थान पर निवेश भी शामिल है (राशि रुपए में) : 10483.16 लाख
- (xi) औद्योगिक पार्क के आरंभ होने की प्रस्तावित तिथि : अप्रैल, 2005

2. किसी औद्योगिक पार्क में अवसंरचना विकास पर न्यूनतम निवेश कुल परियोजना लागत के 50% से कम नहीं होगा। ऐसे औद्योगिक पार्क जो औद्योगिक उपयोग के लिए निर्मित स्थल प्रदान करता है, के मामले में औद्योगिक स्थल के निर्माण कार्य की लागत सहित अवसंरचना विकास पर न्यूनतम खर्च कुल परियोजना लागत के 60% से कम नहीं होगा।

3. संरचना विकास में सड़क (सम्पर्क सड़क सहित), जलापूर्ति तथा सीवरेंज, दूषित जल शोधन सुविधा, टेलिकॉम नेटवर्क, विद्युत उत्पादन एवं वितरण, वातानुकूलन तथा ऐसी अन्य सुविधाएं जो औद्योगिक कार्यकलाप हेतु सामान्य उपयोग के लिए हैं जो वाणिज्यिक दृष्टि से निर्धारणीय है एवं उपलब्ध कराई गई हैं।

4. दिनांक 1 अप्रैल, 2002 की का. आ. 354 (अ) के पैराग्राफ 6 के उप पैराग्राफ (ख) में निर्दिष्ट तालिका के कालम (2) में उल्लिखित कोई एकल इकाई किसी औद्योगिक पार्क के लिए नियत औद्योगिक क्षेत्र का 50% से अधिक हिस्सा धारित नहीं करेगी। इस प्रयोजनार्थ किसी इकाई का आशय एक या एक से अधिक राज्य अथवा केन्द्रीय कर कानून के प्रयोजन के लिए किसी अलग तथा भिन्न कम्पनी से है।

5. आवश्यक अनुमोदनों जिनमें विदेशी निवेश संवर्धन बोर्ड के द्वारा विदेशी प्रत्यक्ष निवेश अथवा अनिवासी भारतीय निवेश अथवा भारतीय रिजर्व बैंक अथवा यथा समय प्रवृत्त किसी कानून के अन्तर्गत विनिर्दिष्ट कोई प्राधिकरण भी शामिल है, को प्रवृत्त नीति तथा प्रक्रियाओं के अनुसार अलग से लिया जाएगा।

6. इस अधिसूचना के पैरा 1(iii) में विनिर्दिष्ट संख्या में इकाइयों के औद्योगिक पार्क में अवस्थित होने के उपरान्त ही इस अधिनियम के अन्तर्गत कर लाभ प्राप्त हो सकते हैं।

7. मैसर्स कोरटैक रीएल्टी प्राइवेट लिमिटेड, बंगलौर उस अवधि के दौरान औद्योगिक पार्क का प्रचालन जारी रखेगा जिस अवधि में आयकर अधिनियम, 1961 की धारा 80 झ क की उपधारा (4) के खंड (iii) के अन्तर्गत लाभ लिए जाने हैं।

8. यदि उक्त औद्योगिक पार्क के आरंभ होने में इस अधिसूचना के पैरा 1 (xi) में निर्दिष्ट तिथि से एक वर्ष से ज्यादा विलम्ब होता है तो आयकर अधिनियम, 1961 की धारा 80 झ क की उपधारा 4 (iii) के अंतर्गत लाभ प्राप्त करने के लिए नया अनुमोदन प्राप्त करना अपेक्षित होगा।

9. यह अनुमोदन वैध रहेगा और मैसर्स कोरटैक रीएल्टी, प्राइवेट लिमिटेड, बंगलौर ऐसी किसी प्रतिक्रिया की अवैधता के लिए अकेले ही जिम्मेदार होगा, यदि

- (i) आवेदन पत्र जिसके आधार पर केन्द्र सरकार द्वारा अनुमोदन प्रदान किया गया है, में गलत सूचना/सूचना अथवा कतिपय तथ्यपरक सूचना न दी गई हो।
- (ii) यह उक्त औद्योगिक पार्क की अवस्थिति हेतु है जिसके लिए अनुमोदन किसी अन्य उपक्रम के नाम में पहले ही प्रदान किया गया है।

10. यदि मैसर्स कोरटैक रीएल्टी, प्राइवेट लिमिटेड, बंगलौर (अर्थात् अन्तरणकर्ता उपक्रम) औद्योगिक पार्क का प्रचालन और अनुरक्षण किसी दूसरे उपक्रम (अर्थात् अंतरिती उपक्रम) को हस्तांतरित करेगा तो अंतरणकर्ता और अंतरिती उपर्युक्त हस्तांतरण के लिए अंतरणकर्ता और अंतरिती उपक्रम के बीच निष्पादित करार की प्रति

के साथ औद्योगिक सहायता सचिवालय, औद्योगिक नीति और संवर्धन विभाग, उद्योग भवन, नई दिल्ली-11 की उद्यमशीलता सहायता यूनिट संयुक्त रूप से सूचित करेंगे।

11. इस अधिसूचना में उल्लिखित शर्तों के साथ-साथ औद्योगिक पार्क स्कीम, 2002 में शामिल उन शर्तों का अनुपालन उस अवधि के दौरान किया जाना चाहिए जिसके लिए इस स्कीम के अंतर्गत लाभ प्राप्त किए जाने हैं। केन्द्र सरकार उपर्युक्त अनुमोदन को वापस ले सकती है यदि मैसर्स कोरेटेक रीएल्टी, प्राइवेट लिमिटेड, बंगलौर औद्योगिक पार्क स्कीम, 2002 में विहित शर्तों अथवा इस अधिसूचना की किसी भी शर्त के अनुपालन में असफल रहता है।

12. केन्द्र सरकार के अनुमोदन के बिना प्रोजेक्ट प्लान में किया गया कोई भी संशोधन अथवा भविष्य में पता लगना अथवा किसी ठोस तथ्य का उद्घाटन करने में आवेदक का असफल रहना, औद्योगिक पार्क के अनुमोदन को अवैध बना देगा।

[अधिसूचना सं. 148/2006/फा. सं. 178/18/2006-आ क नि-1]

सीपक गर्ग, अवर सचिव

New Delhi, the 30th June, 2006

(INCOME-TAX)

S.O. 2746.—Whereas the Central Government in exercise of the powers conferred by clause (iii) of sub-section (4) of Section 80-IA of the Income-tax Act, 1961 (43 of 1961) (hereinafter referred to as the said Act), has framed and notified a scheme for Industrial Park, by the notifications of the Government of India in the Ministry of Commerce and Industry (Department of Industrial Policy and Promotion) vide Number S.O. 193(E), dated the 30th March, 1999, for the period beginning on the 1st day of April, 1997 and ending on the 31st day of March, 2002 and vide Number S.O. 354(E) dated the 1st day of April, 2002, for the period beginning on the 1st day of April, 1997 and ending on the 31st day of March, 2006;

And whereas M/s. Coretech Realty Pvt. Limited having its Registered Office at 'Divyasree Chambers', Wing-'A', No.11, O' Shaughnessy Road, Bangalore-560025 has developed an Industrial Park, at Plot No. 1, Sy. No.143, 212,213,214 & 215, EPIP Industrial Area, Hoodi Village K.R. Puram Hobli, Bangalore;

And whereas the Central Government has approved the said Industrial Park vide Ministry of Commerce and Industry letter No. 15/18/05-IP&ID dated 11-4-2005 subject to the terms and conditions mentioned in the annexure to this notification;

Now, therefore, in exercise of the powers conferred by clause (iii) of sub-section (4) of Section 80-IA of the said Act, the Central Government hereby notifies the undertaking, developed and being maintained and operated by M/s. Coretech Realty Private Limited, Bangalore as an Industrial Park for the purposes of the said clause (iii).

ANNEXURE

The terms and conditions on which the approval of the Government of India has been accorded for setting up of an Industrial Park by M/s. Coretech Realty Private Limited Bangalore.

1. (i) Name of the Industrial Undertaking : Coretech Realty Private Limited
- (ii) Proposed location : Plot No.1, Sy. No. 143, 212, 213, 214 & 215, EPIP Industrial Area, Hoodi Village, K.R. Puram Hobli, Bangalore.
- (iii) Area of Industrial Park : 1,96,322.87Sq. Meters
- (iv) Proposed activities

Nature of Industrial activity with NIC Code				
NIC Code				Description
Sl. No.	Section	Division	Group	Class
A 8	89	892	—	Data Processing, Software Development and Computer consultancy services.
B 8	89	893	—	Business, and management consultancy activities.
C 8	89	894	—	Architectural and engineering and other technical consultancy activities
D 8	89	895	—	Technical testing, and analysis services.

- (v) Percentage of allocable area earmarked for industrial use : 90.08%
- (vi) Percentage of allocable area earmarked for commercial use : 9.92%
- (vii) Minimum number of industrial units : 3 Units
- (viii) Total investments proposed (Amount in Rupees) : 11,519.96 lakhs

- (ix) Investment on built up space for Industrial use (Amount in Rupees) : 7257.57 lakhs
- (x) Investment on Infrastructure Development including investment on built up space for industrial use (Amount in Rupees) : 10483.16 lakhs
- (xi) Proposed date of commencement of Industrial park. : April, 20-05
2. The minimum investment on infrastructure development in an Industrial Park shall not be less than 50% of the total project cost. In the case of an Industrial Park which provides built-up space for industrial use, the minimum expenditure on infrastructure development including cost of construction of industrial space, shall not be less than 60% of the total project cost.
 3. Infrastructure development shall include, roads (including approach roads), water supply and sewerage, common effluent treatment facility, telecom network, generation and distribution of power, air-conditioning and such other facilities as are for common use for industrial activity which are identifiable and are provided on commercial terms.
 4. No single unit referred to in column (2) of the Table given in sub-paragraph (b) of paragraph 6 of S.O. 354(E) dated the 1st April, 2002, shall occupy more than fifty percent of the allocable industrial area of an Industrial Park. For this purpose a unit means any separate and distinct entity for the purpose of one and more state or Central tax laws.
 5. Necessary approvals, including that for foreign direct investment or non-resident Indian Investment by the Foreign Investment Promotion Board or Reserve Bank of India or any authority specified under any law for the time being in force, shall be taken separately as per the policy and procedures in force.
 6. The tax benefits under the Act can be availed of only after the number of units indicated in Para 1(vii) of this Notification, are located in the Industrial Park.
 7. M/s. Coretech Realty Private Limited, Bangalore shall continue to operate the Industrial Park during the period in which the benefits under clause (iii) of sub-section (4) of Section 801-A of the Income-tax Act, 1961 are to be availed.
 8. In case the commencement of the Industrial Park is delayed by more than one year from the date indicated in Para 1(xi) of this notification, fresh approval will be required under the Industrial Park Scheme, 2002, for availing benefits under sub-section 4(iii) of Section 801-A of the Income Tax Act, 1961.
 9. The approval will be invalid and the M/s. Coretech Realty Private Limited, Bangalore, shall be solely responsible for any repercussions of such invalidity, if
 - (i) the application on the basis of which the approval is accorded by the Central Government contains wrong information/misinformation or some material information has not been provided in it.
 - (ii) it is for the location of the Industrial Park for which approval has already been accorded in the name of another undertaking.
 10. In case M/s. Coretech Realty Private Ltd. Bangalore transfers the operation and maintenance of the Industrial Park (i.e. transferor undertaking) to another undertaking (i.e. the transferee undertaking), the transferor and transferee shall jointly intimate to the Entrepreneurial assistance Unit of the Secretariat for Industrial Assistance, Department of Industrial Policy and Promotion, Udyog Bhawan, New Delhi-11 along with a copy of the agreement executed between the transferor and transferee undertaking for the aforesaid transfer.
 11. The conditions mentioned in this notification as well as those included in the Industrial Park Scheme, 2002 should be adhered to during the period for which benefits under this scheme are to be availed. The Central Government may withdraw the above approval in case M/s. Coretech Realty Private Ltd. Bangalore fails to comply with any of the conditions.
 12. Any amendment of the project plan without the approval of the Central Government or detection in future, or failure on the part of the applicant to disclose any material fact, will invalidate the approval of the Industrial Park.

[Notification No. 148/2006/F. No. 178/18/2006-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 30 जून, 2006

(आयकर)

क्रा.आ. 2747.-जबकि आयकर अधिनियम, 1961 (1961 का 43) (यहां आगे उक्त अधिनियम कहा गया है) की धारा

80 झ क की उपधारा (4) के खंड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार ने 1 अप्रैल, 1997 से शुरू होकर तथा 31 मार्च, 2002 को समाप्त अवधि के लिये का. आ. 193 (अ) दिनांक 30 मार्च, 1999 के ज़रिए तथा 1 अप्रैल, 1997 से शुरू होकर तथा 31 मार्च, 2006 को समाप्त अवधि के लिए का. आ. 354 (अ) के ज़रिए भारत सरकार, वाणिज्य और उद्योग मंत्रालय (औद्योगिक नीति और संवर्धन विभाग) की अधिसूचनाओं द्वारा औद्योगिक पार्क की योजना निर्मित और अधिसूचित की है;

और जबकि मैसर्स डी एल एफ इन्फो सिटी डेवलपर्स (चंडीगढ़) लिमिटेड, शॉपिंग माल कॉम्प्लेक्स, प्रथम तल, अर्जुन मार्ग डी एल एफ सिटी, फेस-I गुडगाँव-122002, हरियाणा स्थल सं. 22 तथा 23, चंडीगढ़ टेक्नोलॉजी पार्क, किशनगढ़ चंडीगढ़- 160101 पर एक औद्योगिक पार्क का विकास किया है;

और जबकि केन्द्र सरकार ने इस अधिसूचना के अनुबंध में उल्लिखित शर्तों के अधीन वाणिज्य तथा उद्योग मंत्रालय के दिनांक 31-12-2004 के पत्र सं. 15/1/04-आई पी एंड आई डी के अन्तर्गत उक्त औद्योगिक पार्क को अनुमोदित किया है;

अब इसलिए उक्त अधिनियम की धारा 80 झ क की उपधारा (4) के खंड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा उक्त खंड (iii) के प्रयोजनार्थ औद्योगिक पार्क के रूप में मैसर्स डी एल एफ इन्फो सिटी डेवलपर्स (चंडीगढ़) लिमिटेड, चंडीगढ़ द्वारा विकसित तथा अनुरक्षित एवं प्रचालित किए जा रहे उक्त उपक्रम को अधिसूचित करती है।

अनुबंध

शर्तें जिन पर भारत सरकार ने मैसर्स डी एल एफ इन्फो सिटी डेवलपर्स (चंडीगढ़) लिमिटेड, चंडीगढ़ द्वारा औद्योगिक पार्क गठित किए जाने हेतु अनुमोदन प्रदान किया गया है।

1. (i) औद्योगिक उपक्रम का नाम : डी एल एफ इन्फो सिटी डेवलपर्स (चंडीगढ़) लिमिटेड-160101
- (ii) प्रस्तावित स्थान : स्थल सं. 22 तथा 23 चंडीगढ़ औद्योगिक पार्क किशनगढ़, चंडीगढ़
- (iii) औद्योगिक पार्क का कुल क्षेत्रफल : 8 एकड़
- (iv) प्रस्तावित कार्यकलाप

एन आई सी संहिता के साथ औद्योगिक कार्यकलाप का स्वरूप

एन आई सी संहिता					विवरण
क्रम सं.	अनुभाग	प्रभाग	समूह	श्रेणी	
1	2	3	4	5	6
क	3	36	367	-	कम्प्यूटर और कम्प्यूटर आधारित प्रणालियों का निर्माण

1	2	3	4	5	6
ख	3	39	394	-	कार्यालय, कम्प्यूटिंग तथा एकाउंटिंग मशीनरी की मरम्मत
ग	7	75	-	-	संचार सेवाएं
घ	8	89	892	-	डाटा प्रोसेसिंग, साफ्टवेयर विकास तथा कम्प्यूटर कंसल्टैंसी सेवाएं
ड.	8	89	893	-	कारोबार तथा प्रबंधन कंसल्टैंसी कार्यकलाप
च	8	89	894	-	वास्तुशिल्पीय तथा इंजीनियरी एवं अन्य तकनीकी कंसल्टैंसी कार्यकलाप

- (v) औद्योगिक उपयोग के लिए प्रस्तावित आबंटन योग्य क्षेत्र का प्रतिशत : 66%
- (vi) वाणिज्यिक उपयोग के लिए निर्धारित भूमि का प्रतिशत : 9.95%
- (vii) औद्योगिक इकाइयों की प्रस्तावित संख्या : 4 इकाइयाँ
- (viii) प्रस्तावित कुल निवेश (राशि रुपए में) : 138 करोड़ रु.
- (ix) औद्योगिक उपयोग के लिए निर्मित स्थान पर निवेश (राशि रुपयों में) : 95.60 करोड़ रु.
- (x) औद्योगिक उपयोग के लिए निर्मित स्थल पर निवेश सहित अवसंरचनात्मक विकास पर निवेश (राशि रुपए में) : 126.32 करोड़ रु.
- (xi) औद्योगिक पार्क के आरंभ होने की प्रस्तावित तिथि : प्रथम तीन खंड- नवम्बर, 2004 II तथा, अन्तिम- फरवरी, 2005 तीन खंड

2. किसी औद्योगिक पार्क में अवसंरचना विकास पर न्यूनतम निवेश कुल परियोजना लागत के 50% से कम नहीं होगा। ऐसे औद्योगिक पार्क जो औद्योगिक उपयोग के लिए निर्मित स्थल प्रदान करता है, के मामले में औद्योगिक स्थल के निर्माण कार्य की लागत

सहित विकास अवसंरचना विकास पर न्यूनतम खर्च कुल परियोजना लागत के 60% से कम नहीं होगा।

3. संरचना विकास में सड़क (सम्पर्क सड़क सहित), जलापूर्ति तथा सीवरज, दूषित जल शोधन सुविधा, टेलिकॉम नेटवर्क, विद्युत उत्पादन एवं वितरण, वातानुकूलन तथा ऐसी अन्य सुविधाएं जो औद्योगिक कार्यकलाप हेतु सामान्य उपयोग के लिए हैं जो वाणिज्यिक दृष्टि से निर्धारणीय हैं एवं उपलब्ध कराई जाती हैं।

4. दिनांक 1 अप्रैल, 2002 की का. आ. 354 (अ) के पैराग्राफ 6 के उप पैराग्राफ (ख) में निर्दिष्ट तालिका के कालम (2) में उल्लिखित कोई एकल इकाई किसी औद्योगिक पार्क के लिए नियत औद्योगिक क्षेत्र का 50% से अधिक हिस्सा धारित नहीं करेगी। इस प्रयोजनार्थ किसी इकाई का आशय एक या एक से अधिक राज्य अथवा केन्द्रीय कर कानून के प्रयोजन के लिए किसी अलग तथा भिन्न कम्पनी से है।

5. आवश्यक अनुमोदनों जिनमें विदेशी निवेश संवर्धन बोर्ड के द्वारा विदेशी प्रत्यक्ष निवेश अथवा अनिवासी भारतीय निवेश अथवा भारतीय रिजर्व बैंक अथवा यथा समय प्रवृत्त किसी कानून के अन्तर्गत विनिर्दिष्ट कोई प्राधिकरण भी शामिल हैं, को प्रवृत्त नीति तथा प्रक्रियाओं के अनुसार अलग से लिया जाएगा।

6. इस अधिसूचना के पैरा 1(iii) में विनिर्दिष्ट संख्या में इकाइयों के औद्योगिक पार्क में अवस्थित होने के उपरान्त ही इस अधिनियम के अन्तर्गत कर लाभ प्राप्त हो सकते हैं।

7. मैसर्स डी एल एफ इन्फो सिटी डेवलपर्स (चंडीगढ़) लिमिटेड, चंडीगढ़ उस अवधि के दौरान औद्योगिक पार्क का प्रचालन जारी रखेगा जिस अवधि में आयकर अधिनियम, 1961 की धारा 80 झ क की उपधारा (4) के खंड (iii) के अन्तर्गत लाभ लिए जाने हैं।

8. यदि उक्त औद्योगिक पार्क के आरंभ होने में इस अधिसूचना के पैरा 1 (xi) में निर्दिष्ट तिथि से एक वर्ष से ज्यादा विलम्ब होता है तो आयकर अधिनियम, 1961 की धारा 80 झ क की उपधारा 4 (iii) के अन्तर्गत लाभ प्राप्त करने के लिए नया अनुमोदन प्राप्त करना अपेक्षित होगा।

9. यह अनुमोदन वैध रहेगा और मैसर्स डी एल एफ इन्फो सिटी डेवलपर्स (चंडीगढ़) लिमिटेड, चंडीगढ़ ऐसी किसी प्रतिक्रिया की अवैधता के लिए अकेले ही जिम्मेदार होगा, यदि

- (i) आवेदन पत्र जिसके आधार पर केन्द्र सरकार द्वारा अनुमोदन प्रदान किया गया है, में गलत सूचना/सूचना अथवा कतिपय तथ्यपरक सूचना न दी गई हो।
- (ii) यह उक्त औद्योगिक पार्क की अवस्थिति हेतु है जिसके लिए अनुमोदन किसी अन्य उपक्रम के नाम में पहले ही प्रदान किया गया है।

10. यदि मैसर्स डी एल एफ इन्फो सिटी डेवलपर्स (चंडीगढ़) लिमिटेड, चंडीगढ़ (अर्थात् अन्तरणकर्ता उपक्रम) औद्योगिक पार्क का प्रचालन और अनुरक्षण किसी दूसरे उपक्रम (अर्थात् अंतरिती

उपक्रम) को हस्तांतरित करेगा तो अंतरणकर्ता और अंतरिती उपर्युक्त हस्तांतरण के लिए अंतरणकर्ता और अंतरिती उपक्रम के बीच निष्पादित करार की प्रति के साथ औद्योगिक सहायता सचिवालय, औद्योगिक नीति और संवर्धन विभाग, उद्योग भवन, नई दिल्ली-11 की उद्यमशीलता सहायता यूनिट संयुक्त रूप से सूचित करेंगे।

11. इस अधिसूचना में उल्लिखित शर्तों के साथ-साथ औद्योगिक पार्क स्कीम, 2002 में शामिल उन शर्तों का अनुपालन उस अवधि के दौरान किया जाना चाहिए जिसके लिए इस स्कीम के अंतर्गत लाभ प्राप्त किए जाने हैं। केन्द्र सरकार उपर्युक्त अनुमोदन को वापस ले सकती है यदि मैसर्स डी एल एफ इन्फो सिटी डेवलपर्स (चंडीगढ़) लिमिटेड, चंडीगढ़ औद्योगिक पार्क स्कीम, 2002 में विहित शर्तों अथवा इस अधिसूचना की किसी भी शर्त के अनुपालन में असफल रहता है।

12. केन्द्र सरकार के अनुमोदन के बिना प्रोजेक्ट प्लान में किया गया कोई भी संशोधन अथवा भविष्य में पता लगना अथवा किसी ठोस तथ्य का उद्घाटन करने में आवेदक का असफल रहना, औद्योगिक पार्क के अनुमोदन को अवैध बना देना।

[अधिसूचना सं. 149/2006/फा. सं. 178/41/2005-आ क नि-1]

दीपक गर्ग, अवर सचिव

New Delhi, the 30th June, 2006.

(INCOME-TAX)

S.O. 2747.—Whereas the Central Government in exercise of the powers conferred by clause (iii) of sub-section (4) of section 80-IA of the Income-tax Act, 1961 (43 of 1961) (hereinafter referred to as the said Act), has framed and notified a scheme for industrial park, by the notifications of the Government of India in the Ministry of Commerce and Industry (Department of Industrial Policy and Promotion) vide number S.O. 193(E), dated the 30th March, 1999, for the period beginning on the 1st day of April, 1997 and ending on the 31st day of March, 2002 and vide number S.O. 354(E) dated the 1st day of April, 2002, for the period beginning on the 1st day of April, 1997 and ending on the 31st day of March, 2006;

And whereas M/s. DLF Info City Developers (Chandigarh) Limited, Shopping Mall Complex, First floor, Arjun Marg, DLF City Phase-I, Gurgaon-122002, Haryana, has developed an Industrial park at Site No. 22 & 23, Chandigarh Technology Park, Kishangarh, Chandigarh-160 101;

And whereas the Central Government has approved the said Industrial Park vide Ministry of Commerce and Industry letter No. 15-1-04-IP&ID dated 31-12-2004 subject to the terms and conditions mentioned in the annexure to this notification;

Now, therefore, in exercise of the powers conferred by clause (iii) of sub-section (4) of section 80-IA of the said Act, the Central Government hereby notifies the undertaking, developed and being maintained and operated by M/s. DLF Info City Developers (Chandigarh) Limited,

Chandigarh as an Industrial Park for the purposes of the said clause (iii).

ANNEXURE

The terms and conditions on which the approval of the Government of India has been accorded for setting up of an Industrial Park by M/s. DLF Info City Developers (Chandigarh) Limited, Chandigarh.

1. (i) Name of the Industrial Undertaking : DLF Info City Developers (Chandigarh) Limited.
- (ii) Proposed location : Site No. 22 & 23, Chandigarh Technology Park, Kishangarh, Chandigarh-160 101.
- (iii) Total area of Industrial Park : 8 acres
- (iv) Proposed activities

Nature of Industrial activity with NIC Code				
NIC Code		Description		
Sl. No.	Section	Division	Group	Class
A 3	36	367	—	Manufacture of computers and computer based systems.
B 3	39	394	—	Repair of office, computing and accounting machinery.
C 7	75	—	—	Communication Services.
D 8	89	892	—	Data processing, software development and computer consultancy services.
E 8	89	893	—	Business and Management Consultancy activities.
F 8	89	894	—	Architectural and engineering and other technical consultancy activities.

- (v) Percentage of allocable area : 66% earmarked for industrial use
- (vi) Percentage of allocable area : 9.95% earmarked for commercial use.

- (vii) Minimum number of industrial units : 4 Units
 - (viii) Total investments proposed (Amount in Rupees) : 138 crores
 - (ix) Investment on built up space for Industrial use (Amount in Rupees) : 955.60 crores
 - (x) Investment on Infrastructure Development including investment on built up space for industrial use (Amount in Rupees) : 126.32 crores
 - (xi) Proposed date of commencement of Industrial park. : First — November, three 2004 blocks
II & — February, Final 2005
Three blocks
2. The minimum investment on infrastructure development in an Industrial Park shall not be less than 50% of the total project cost. In the case of an Industrial Park which provides built-up space for industrial use, the minimum expenditure on infrastructure development including cost of construction of industrial space, shall not be less than 60% of the total project cost.
 3. Infrastructure development shall include, roads (including approach roads), water supply and sewerage, common effluent treatment facility, telecom network, generation and distribution of power, air-conditioning and such other facilities as are for common use for industrial activity which are identifiable and are provided on commercial terms.
 4. No single unit referred to in column (2) of the Table given in sub-paragraph (b) of paragraph 6 of S.O. 354(E) dated the 1st April, 2002, shall occupy more than fifty per cent of the allocable industrial area of an Industrial Park. For this purpose a unit means any separate and distinct entity for the purpose of one and more state or Central tax laws.
 5. Necessary approvals, including that for foreign direct investment or non-resident Indian investment by the Foreign Investment Promotion Board or Reserve Bank of India or any authority specified under any law for the time being in force, shall be taken separately as per the policy and procedures in force.

6. The tax benefits under the Act can be availed of only after the number of units indicated in Para 1(vii) of this Notification, are located in the Industrial Park.
7. M/s. DLF Info City Developers (Chandigarh) Limited, Chandigarh shall continue to operate the Industrial Park during the period in which the benefits under clause (iii) of sub-section (4) of section 80-1A of the Income-tax Act, 1961 are to be availed.
8. In case the commencement of the Industrial Park is delayed by more than one year from the date indicated in Para 1(xi) of this notification, fresh approval will be required under the Industrial Park Scheme, 2002, for availing benefits under sub-section 4(iii) of Section 80-1A of the Income Tax Act, 1961.
9. The approval will be invalid and M/s. DLF Info City Developers (Chandigarh) Limited, Chandigarh, shall be solely responsible for any repercussions of such invalidity, if :
 - (i) the application on the basis of which the approval is accorded by the Central Government contains wrong information/misinformation or some material information has not been provided in it.
 - (ii) it is for the location of the Industrial Park for which approval has already been accorded in the name of another undertaking.
10. In case M/s. DLF Info City Developers (Chandigarh) Limited, Chandigarh, transfers the operation and maintenance of the Industrial Park (i.e. transferor undertaking) to another undertaking (i.e. the transferee undertaking), the transferor and transferee shall jointly intimate to the Entrepreneurial Assistance Unit of the Secretariat for Industrial Assistance, Department of Industrial Policy and Promotion, Udyog Bhawan, New Delhi-11 along with a copy of the agreement executed between the transferor and transferee undertaking for the aforesaid transfer.
11. The conditions mentioned in this notification as well as those included in the Industrial Park Scheme, 2002 should be adhered to during the period for which benefits under this scheme are to be availed. The Central Government may withdraw the above approval in case M/s. DLF Info City Developers (Chandigarh) Limited, Chandigarh, fails to comply with any of the conditions.
12. Any amendment of the project plan without the approval of the Central Government or detection in future, or failure on the part of the applicant to disclose any material fact, will invalidated the approval of the Industrial Park.

[Notification No. 149/2006/F. No. 178/41/2005-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 30 जून, 2006

(आयकर)

का.आ. 2748.—जबकि आयकर अधिनियम, 1961 (1961 का 43) (यहां आगे उक्त अधिनियम कहा गया है) की धारा 80 झ क की उपधारा (4) के खंड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार ने 1 अप्रैल, 1997 से शुरू होकर तथा 31 मार्च, 2002 को समाप्त होने वाली अवधि के लिये संख्या का. आ. 193 (अ) दिनांक 30 मार्च, 1999 के ज़रिए तथा 1 अप्रैल, 1997 से शुरू होकर तथा 31 मार्च, 2006 को समाप्त अवधि के लिए संख्या का. आ. 354 (अ) के ज़रिए भारत सरकार, वाणिज्य और उद्योग मंत्रालय (औद्योगिक नीति और संवर्धन विभाग) की अधिसूचनाओं द्वारा औद्योगिक पार्क की योजना निर्मित और अधिसूचित की है;

और जबकि मैसर्स आश्रय प्रैमिसिज़ प्राइवेट लिमिटेड, जी-3, फिनिक्स बंद गार्डन रोड, पुणे-411 001 ने एस नं. 199, 204, 205, 206/1, 209/1 विमान नगर, पुणे-411 014 में पंचशील टैक पार्क नाम से एक औद्योगिक पार्क का विकास किया है;

और जबकि केन्द्र सरकार ने इस अधिसूचना के अनुबंध में उल्लिखित शर्तों के अधीन वाणिज्य तथा उद्योग मंत्रालय के दिनांक 13-4-2006 के पत्र सं. 15/50/2005-आई पी एंड आई डी के अन्तर्गत उक्त औद्योगिक पार्क को अनुमोदित किया है;

अब इसलिए उक्त अधिनियम की धारा 80 झ क की उपधारा (4) के खंड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्द्वारा उक्त खंड (iii) के प्रयोजनार्थ औद्योगिक पार्क के रूप में मैसर्स आश्रय प्रैमिसिज़ प्राइवेट लिमिटेड, पुणे द्वारा विकसित तथा अनुरक्षित एवं प्रचालित किए जा रहे उक्त उपक्रम को अधिसूचित करती है।

अनुबंध

शर्तें जिन पर भारत सरकार ने मैसर्स आश्रय प्रैमिसिज प्राइवेट लिमिटेड, पुणे द्वारा औद्योगिक पार्क को गठित किए जाने हेतु अनुमोदन प्रदान किया गया है।

1. (i) औद्योगिक उपक्रम का नाम : पंचशील टैक पार्क मैसर्स आश्रय प्रैमिसिज प्राइवेट लिमिटेड का उपक्रम)
- (ii) प्रस्तावित स्थान : एस नं. 199, 204, 205, 206/1, 209/1 विमान नगर, पुणे-411 014
- (iii) औद्योगिक पार्क का कुल क्षेत्रफल : कुल भूमि क्षेत्रफल 4949.79 वर्ग मीटर और निर्मित क्षेत्रफल 10219.21 वर्ग मीटर
- (iv) प्रस्तावित कार्यकलाप

एन आई सी संहिता के साथ औद्योगिक कार्यकलाप का स्वरूप

एन आई सी संहिता					विवरण
क्रम सं.	अनुभाग	प्रभाग	समूह	श्रेणी	
क	7	75	—	—	संचार सेवाएं
ख	8	89	892	—	डाटा प्रोसेसिंग, साफ्टवेयर विकास तथा कम्प्यूटर कंसलटैंसी सेवाएं
ग	8	89	893	—	कारोबार तथा प्रबंधन कंसलटैंसी कार्यकलाप
घ	8	89	894	—	वास्तुशिल्पीय तथा इंजीनियरी एवं अन्य तकनीकी कंसलटैंसी कार्यकलाप
ङ	8	89	895	—	तकनीकी परीक्षण एवं विश्लेषण सेवाएं

- (v) औद्योगिक उपयोग के लिए प्रस्तावित आबंटनीय क्षेत्र का प्रतिशत : 92.00%
- (vi) वाणिज्यिक उपयोग के लिए निर्धारित भूमि का प्रतिशत : 8.00%
- (vii) औद्योगिक यूनिटों की प्रस्तावित संख्या : 3 यूनिटें
- (viii) प्रस्तावित कुल निवेश (राशि रुपए में) : 16.67 करोड़
- (ix) औद्योगिक उपयोग के लिए निर्मित स्थान पर निवेश : 12.02 करोड़ (राशि रुपए में)
- (x) अवसंरचनात्मक विकास पर निवेश जिसमें औद्योगिक उपयोग के लिए निर्मित स्थान पर निवेश भी शामिल है (राशि रुपए में) : 16.67 करोड़
- (xi) औद्योगिक पार्क के आरंभ होने की प्रस्तावित तिथि : जून, 2005

2. किसी औद्योगिक पार्क में अवसंरचना विकास पर न्यूनतम निवेश कुल परियोजना लागत के 50% से कम नहीं होगा। ऐसे औद्योगिक पार्क जो औद्योगिक उपयोग के लिए निर्मित स्थल प्रदान करता है, के मामले में औद्योगिक स्थल के निर्माण कार्य की लागत सहित अवसंरचना विकास पर न्यूनतम खर्च कुल परियोजना लागत के 60% से कम नहीं होगा।

3. संरचना विकास में सड़क (सम्पर्क सड़क सहित), जलापूर्ति तथा सीवरेज, दूषित जल शोधन सुविधा, टेलीकॉम नेटवर्क, विद्युत उत्पादन एवं वितरण, वातानुकूलन तथा ऐसी अन्य सुविधाएं जो औद्योगिक कार्यकलाप हेतु सामान्य उपयोग के लिए हैं जो वाणिज्यिक दृष्टि से निर्धारणीय हैं एवं उपलब्ध कराई गई हैं।

4. दिनांक 1 अप्रैल, 2002 की का.आ. 354 (अ) के पैराग्राफ 6 के उप पैराग्राफ (ख) में निर्दिष्ट तालिका के कालम (2) में उल्लिखित कोई एकल इकाई किसी औद्योगिक पार्क के लिए नियत औद्योगिक क्षेत्र का 50% से अधिक हिस्सा धारित नहीं करेगी। इस प्रयोजनार्थ किसी इकाई का आशय एक या एक से अधिक राज्य अथवा केन्द्रीय कर कानून के प्रयोजन के लिए किसी अलग तथा भिन्न कम्पनी से है।

5. आवश्यक अनुमोदनों जिनमें विदेशी निवेश संवर्धन बोर्ड के द्वारा विदेशी प्रत्यक्ष निवेश अथवा अनिवासी भारतीय निवेश अथवा भारतीय रिजर्व बैंक अथवा यथा समय प्रवृत्त किसी कानून के अन्तर्गत विनिर्दिष्ट कोई प्राधिकरण भी शामिल हैं, को प्रवृत्त नीति तथा प्रक्रियाओं के अनुसार अलग से लिया जाएगा।

6. इस अधिसूचना के पैरा 1 (iii) में विनिर्दिष्ट संख्या में इकाइयों के औद्योगिक पार्क में अवस्थित होने के उपरान्त ही इस अधिनियम के अन्तर्गत कर लाभ प्राप्त हो सकते हैं।

7. मैसर्स आश्रय प्रैमिसिज् प्राइवेट लिमिटेड, पुणे उस अवधि के दौरान औद्योगिक पार्क का प्रचालन जारी रखेगा जिस अवधि में आयकर अधिनियम, 1961 की धारा 80. झक की उपधारा (4) के खंड (iii) के अन्तर्गत लाभ लिए जाने हैं।

8. यदि उक्त औद्योगिक पार्क के आरंभ होने में इस अधिसूचना के पैरा 1 (xi) में निर्दिष्ट तिथि से एक वर्ष से ज्यादा विलम्ब होता है तो आयकर अधिनियम, 1961 की धारा 80 झ. क की उपधारा 4 (iii) के अंतर्गत लाभ प्राप्त करने के लिए नया अनुमोदन प्राप्त करना अपेक्षित होगा।

9. यह अनुमोदन वैध रहेगा और मैसर्स आश्रय प्रैमिसिज् प्राइवेट लिमिटेड, पुणे ऐसी किसी प्रतिक्रिया की अवैधता के लिए स्वयं ही जिम्मेदार होगा, यदि :

(i) आवेदन पत्र जिसके आधार पर केन्द्र सरकार द्वारा अनुमोदन प्रदान किया गया है, में गलत सूचना/सूचना अथवा कतिपय तथ्यपरक सूचना न दी गई हो।

(ii) यह उक्त औद्योगिक पार्क की अवस्थिति हेतु है जिसके लिए अनुमोदन किसी अन्य उपक्रम के नाम में पहले ही प्रदान किया गया है

10. यदि मैसर्स आश्रय प्रैमिसिज् प्राइवेट लिमिटेड, पुणे (अर्थात् अन्तरणकर्ता उपक्रम) औद्योगिक पार्क का प्रचालन और अनुरक्षण किसी दूसरे उपक्रम (अर्थात् अंतर्गती उपक्रम) को हस्तांतरित करेगा तो अंतरणकर्ता और अंतर्गती उपर्युक्त हस्तांतरण के लिए अंतरणकर्ता और अंतर्गती उपक्रम के बीच निष्पादित करार की प्रति के साथ औद्योगिक सहायता सचिवालय, औद्योगिक नीति और संवर्धन विभाग, उद्योग भवन, नई दिल्ली-11 की उद्यमशीलता सहायता यूनिट संयुक्त रूप से सूचित करेंगे।

11. इस अधिसूचना में उल्लिखित शर्तों के साथ-साथ औद्योगिक पार्क स्कीम, 2002 में शामिल उन शर्तों का अनुपालन उस अवधि के दौरान किया जाना चाहिए जिसके लिए इस स्कीम के अंतर्गत लाभ प्राप्त किए जाने हैं। केन्द्र सरकार उपर्युक्त अनुमोदन को वापस ले सकती है यदि मैसर्स आश्रय प्रैमिसिज् प्राइवेट लिमिटेड, पुणे औद्योगिक पार्क स्कीम, 2002 में विहित शर्तों अथवा इस अधिसूचना की किसी भी शर्त के अनुपालन में असफल रहता है।

12. केन्द्र सरकार के अनुमोदन के बिना प्रोजेक्ट प्लान में किया गया कोई भी संशोधन अथवा भविष्य में पता लगना अथवा किसी ठोस तथ्य का उद्घाटन करने में आवेदक का असफल रहना, औद्योगिक पार्क के अनुमोदन को अवैध बना देना।

[अधिसूचना सं. 150/2006/फा. सं. 178/60/2006-आ क नि-1]

दीपक गर्ग, अवर सचिव

New Delhi, the 30th June, 2006

(INCOME-TAX)

S.O. 2748.—Whereas the Central Government in exercise of the powers conferred by clause (iii) of sub-section (4) of section 80-IA of the income-tax Act, 1961 (43 of 1961) (hereinafter referred to as the said Act), has framed and notified a scheme for industrial Park, by the notifications of the Government of India in the Ministry of Commerce and Industry (Department of Industrial Policy and Promotion) vide number S.O. 193 (E), dated the 30th March, 1999, for the period beginning on the 1st day of April, 1997 and ending on the 31st day of March, 2002 and vide number S.O. 354 (E) dated the 1st day of April, 2002, for the period beginning on the 1st day of April, 1997 and ending on the 31st day of March, 2006;

And whereas M/s. Ashray Premises Private Limited, G-3, Phoenix Bund Garden Road, Pune-411001, has developed an Industrial Park, namely, Pachshil Tech Park at S. No. 199, 204, 205, 206/1, 209/1, Viman Nagar, Pune-411014;

And whereas the Central Government has approved the said Industrial Park vide Ministry of Commerce and Industry letter No. 15/50/2005-IP&ID dated 13-4-2006 subject to the terms and conditions mentioned in the annexure to this notification;

Now, therefore, in exercise of the powers conferred by clause (iii) of sub-section (4) of section 80-IA of the said Act, the Central Government hereby notifies the undertaking, developed and being maintained and operated by M/s. Ashray Premises Private Limited, Pune, as an industrial park for the purposes of the said clause (iii).

ANNEXURE

The terms and conditions on which the approval of the Government of India has been accorded for setting up of an industrial park by M/s. Ashray Premises Private Limited, Pune.

1. (i) Name of the Industrial Undertaking : Panchshil Tech Park (undertaking of M/s. Ashray Premises Private Limited)
- (ii) Proposed location : S.No. 199,204, 205,206/1, 209/1 Viman Nagar, Pune-411014
- (iii) Area of Industrial Park : Total land area 4949.79 square meters and built up area 10219.21 square meters
- (iv) Proposed activities

Nature of Industrial activity with NIC code

Sl. No.	NIC Code				Description
	Section	Division	Group	Class	
A	7	75	—	—	Communication services
B	8	89	892	—	Data processing, software development and computer consultancy services
C	8	89	893	—	Business and management consultancy activities
D	8	89	894	—	Architectural and engineering and other technical consultancy activities
E	8	89	895	—	Technical testing and analysis services

- (v) Percentage of allocable area earmarked for industrial use : 92.00%
- (vi) Percentage of allocable area earmarked for commercial use : 8.00%
- (vii) Minimum number of industrial units : 3 Units
- (viii) Total investments proposed (Amount in Rupees) : 16.67 crores
- (ix) Investment of built up space for industrial use (Amount in rupees) : 12.02 crores
- (x) Investment on infrastructure Development including investment on built up space for industrial use (Amount in Rupees) : 16.67 crores
- (xi) Proposed date of commencement of the industrial Park : June, 2005

The minimum investment on infrastructure development in an Industrial Park shall not be less than 50% of the total project cost. In the case of an Industrial Park which provides built-up space for industrial use, the minimum expenditure on infrastructure development including cost of construction of industrial space, shall not be less than 60% of the total project cost.

3. Infrastructure development shall include, roads (including approach roads), water supply and sewerage, common effluent treatment facility telecom network, generation and distribution of power, air-conditioning and such other facilities as are for common use for industrial activity which are identifiable and are provided on commercial terms.

4. No single unit referred to in column (2) of the Table given in sub-paragraph (b) of paragraph 6 of S.O. 354(E) dated the 1st April, 2002, shall occupy more than fifty percent of the allocable industrial area of an Industrial park. For this purpose a unit means any separate and distinct entity for the purpose of one and more State or Central tax laws.

5. Necessary approvals, including that for foreign direct investment or non-resident Indian investment by the Foreign Investment Promotion Board or Reserve Bank of India or any authority specified under any law for the time being in force, shall be taken separately as per the policy and procedures in force.

6. The tax benefits under the Act can be availed of only after the number of units indicated in Para 1(vii) of this Notification, are located in the Industrial Park.

7. M/s. Ashray Premises Private Limited, Pune, shall continue to operate the Industrial Park during the period in which the benefits under clause (iii) of sub-section (4) of section 80-IA of the Income-tax Act, 1961 are to be availed.

8. In case the commencement of the Industrial Park is delayed by more than one year from the date indicated in Para 1(xi) of this notification, fresh approval will be required under the Industrial Park Scheme, 2002, for availing benefits under sub-section 4(iii) of Section 80-IA of the Income Tax Act, 1961.

9. The approval will be invalid and M/s. Ashray Premises Private Limited, Pune, shall be solely responsible for any repercussions of such invalidity, if

- (i) the application on the basis of which the approval is accorded by the Central Government contains wrong information/misinformation or some material information has not been provided in it.
- (ii) it is for the location of the Industrial Park for which approval has already been accorded in the name of another undertaking.

10. In case M/s. Ashray Premises Private Limited, Pune, transfers the operation and maintenance of the Industrial Park (i.e., transferor undertaking) to another undertaking (i.e., transferee undertaking), the transferor and transferee shall jointly intimate to the Entrepreneurial Assistance Unit of the Secretariat for Industrial Assistance, Department of Industrial Policy and Promotion, Udyog Bhawan, New Delhi-11 along with a copy of the agreement executed between the transferor and transferee undertaking for the aforesaid transfer.

11. The conditions mentioned in this notification as well as those included in the Industrial Park Scheme, 2002 should be adhered to during the period for which benefits under this scheme are to be availed. The Central Government may withdraw the above approval in case M/s. Ashray Premises Private Limited, Pune, fails to comply with any of the conditions.

12. Any amendment of the project plan without the approval of the Central Government or detection in future, or failure on the part of the applicant to disclose any material fact, will invalidate the approval of the Industrial Park.

[Notification No. 150/2006/F.No. 178/60/2006-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 30 जून, 2006

(आयकर)

का.आ. 2749.—जबकि आयकर अधिनियम, 1961 (1961 का 43) (यहां आगे उक्त अधिनियम कहा गया है) की धारा 80 झ क की उपधारा (4) के खंड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार ने 1 अप्रैल, 1997 से शुरू होकर तथा 31 मार्च, 2002 को समाप्त होने वाली अवधि के लिये संख्या का. आ. 193 (अ) दिनांक 30 मार्च, 1999 के ज़रिए तथा 1 अप्रैल, 1997 से शुरू होकर तथा 31 मार्च, 2006 को समाप्त अवधि के लिए संख्या का. आ. 354 (अ) के ज़रिए भारत सरकार, वाणिज्य और उद्योग मंत्रालय (औद्योगिक नीति और संवर्धन विभाग) की अधिसूचनाओं द्वारा औद्योगिक पार्क की योजना निर्मित और अधिसूचित की है;

और जबकि मैसर्स श्यामाराजू एण्ड कंपनी (इंडिया) प्राइवेट लिमिटेड, 'दिव्यश्रीचेम्बर्स', 'ए' विंग, नं. 11 ओशॉग्नैसी रोड, बंगलौर-560025 ने दिव्यश्री ग्रीन्स, सोसायटी नं. 12/1, 12/2ए और 13/1ए, इन्दिरानगर-कोरामंगला रिंग रोड, डॉमलर, बंगलौर में एक औद्योगिक पार्क का विकास किया है;

और जबकि केन्द्र सरकार ने इस अधिसूचना के अनुबंध में उल्लिखित नियम और शर्तों के अधीन वाणिज्य तथा उद्योग मंत्रालय के दिनांक 11-4-2005 के पत्र सं. 15/17/05-आई पी एंड आई डी के अन्तर्गत उक्त औद्योगिक पार्क अनुमोदित किया है;

अब इसलिए उक्त अधिनियम की धारा 80 झ क की उपधारा (4) के खंड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा उक्त खंड (iii) के प्रयोजनार्थ औद्योगिक पार्क के रूप में मैसर्स श्यामाराजू एण्ड कंपनी (इंडिया) प्राइवेट लिमिटेड, बंगलौर द्वारा विकसित तथा अनुरक्षित एवं प्रचालित किए जा रहे उक्त उपक्रम को अधिसूचित करती है।

अनुबंध

शर्तें जिन पर भारत सरकार ने मैसर्स श्यामाराजू एण्ड कंपनी (इंडिया) प्राइवेट लिमिटेड, बंगलौर द्वारा औद्योगिक पार्क की गठित किए जाने हेतु अनुमोदन प्रदान किया गया है।

1. (i) औद्योगिक उपक्रम का नाम : मैसर्स श्यामाराजू एण्ड कंपनी (इंडिया) प्राइवेट लिमिटेड, बंगलौर
- (ii) प्रस्तावित स्थान : दिव्यश्री ग्रीन्स,
सौसायटी नं. 12/1, 12/2ए और 13/1ए,
इन्दिरानगर-कोरामंगला रिंग रोड,
66 केवीए सब-स्टेशन (के ई बी) के आगे, डॉमलर,
बंगलौर
- (iii) औद्योगिक पार्क का क्षेत्रफल : 63,087 वर्ग मीटर
- (iv) प्रस्तावित कार्यकलाप

एन आई सी संहिता के साथ औद्योगिक कार्यकलाप का स्वरूप

एन आई सी संहिता					विवरण
क्रम सं.	अनुभाग	प्रभाग	समूह	श्रेणी	
क	7	75	—	—	संचार सेवाएं
ख	8	89	892	—	डाटा प्रोसेसिंग, साफ्टवेयर विकास तथा कम्प्यूटर कंसल्टैंसी सेवाएं
ग	8	89	893	—	कारोबार तथा प्रबंधन कंसल्टैंसी कार्यकलाप
घ	8	89	894	—	वास्तुशिल्पीय तथा इंजीनियरी एवं अन्य तकनीकी कंसल्टैंसी कार्यकलाप
ङ	8	89	895	—	तकनीकी परीक्षण एवं विश्लेषण सेवाएं

- (v) औद्योगिक उपयोग के लिए प्रस्तावित आबादनीय क्षेत्र का प्रतिशत : 90.01%
- (vi) वाणिज्यिक उपयोग के लिए निर्धारित भूमि का प्रतिशत : 9.99%
- (vii) औद्योगिक यूनिटों की प्रस्तावित संख्या : 3 यूनिटें
- (viii) प्रस्तावित कुल निवेश (राशि रुपये में) : 110.80 करोड़
- (ix) औद्योगिक उपयोग के लिए निर्मित स्थान पर निवेश : 63.25 करोड़ (राशि रुपये में)
- (x) अवसंरचनात्मक विकास पर निवेश जिसमें औद्योगिक उपयोग के लिए निर्मित स्थान पर निवेश भी शामिल है (राशि रुपये में) : 99.32 करोड़
- (xi) औद्योगिक पार्क के आरंभ होने की प्रस्तावित तिथि : 1-4-2004

2. किसी औद्योगिक पार्क में अवसंरचना विकास पर न्यूनतम निवेश कुल परियोजना लागत के 50% से कम नहीं होगा। ऐसे औद्योगिक पार्क जो औद्योगिक उपयोग के लिए निर्मित स्थल प्रदान करता है, के मामले में औद्योगिक स्थल के निर्माण कार्य की लागत सहित विकास अवसंरचना पर न्यूनतम खर्च कुल परियोजना लागत के 60% से कम नहीं होगा।

3. संरचना विकास में सड़क (सम्पर्क सड़क सहित), जलापूर्ति तथा सीवररेज, दूषित जल शोधन सुविधा, टेलिकॉम नेटवर्क, विद्युत उत्पादन एवं वितरण, वातानुकूलन तथा ऐसी अन्य सुविधाएं जो औद्योगिक कार्यकलाप हेतु सामान्य उपयोग के लिए हैं जो वाणिज्यिक दृष्टि से निर्धारणीय एवं प्रयुक्त हैं।

4. दिनांक 1 अप्रैल, 2002 की का.आ. 354 (अ) के पैराग्राफ 6 के उप पैराग्राफ (ख) में निर्दिष्ट तालिका के कालम (2) में उल्लिखित कोई एकल इकाई किसी औद्योगिक पार्क के लिए नियत औद्योगिक क्षेत्र का 50% से अधिक हिस्सा धारित नहीं करेगी। इस प्रयोजनार्थ किसी इकाई का आशय एक या एक से अधिक राज्य अथवा केन्द्रीय कर कानून के प्रयोजन के लिए किसी अलग तथा भिन्न कम्पनी से है।

5. आवश्यक अनुमोदनों जिनमें विदेशी निवेश संवर्धन बोर्ड के द्वारा विदेशी प्रत्यक्ष निवेश अथवा अनिवासी भारतीय निवेश अथवा भारतीय रिजर्व बैंक अथवा यथा समय प्रवृत्त किसी कानून के अन्तर्गत विनिर्दिष्ट कोई प्राधिकरण भी शामिल हैं, को प्रवृत्त नीति तथा प्रक्रियाओं के अनुसार अलग से लिया जाएगा।

6. इस अधिसूचना के पैरा 1(vii) में विनिर्दिष्ट संख्या में इकाइयों के औद्योगिक पार्क में अवस्थित होने के उपरान्त ही इस अधिनियम के अन्तर्गत कर लाभ प्राप्त हो सकते हैं।

7. मैसर्स श्यामाराजू एण्ड कंपनी (इंडिया) प्राइवेट लिमिटेड, बंगलौर उस अवधि के दौरान औद्योगिक पार्क का प्रचालन जारी रखेगा जिस अवधि में आयकर अधिनियम, 1961 की धारा 80 झ क की उपधारा (4) के खंड (iii) के अन्तर्गत लाभ लिए जाने हैं।

8. यदि उक्त औद्योगिक पार्क के आरंभ होने में इस अधिसूचना के पैरा 1 (xi) में निर्दिष्ट तिथि से एक वर्ष से ज्यादा विलम्ब होता है तो आयकर अधिनियम, 1961 की धारा 80 झ क की उपधारा 4 (iii) के अंतर्गत लाभ प्राप्त करने के लिए औद्योगिक पार्क योजना, 2002 के अंतर्गत नया अनुमोदन प्राप्त करना अपेक्षित होगा।

9. यह अनुमोदन वैध रहेगा और मैसर्स श्यामाराजू एण्ड कंपनी (इंडिया) प्राइवेट लिमिटेड, बंगलौर ऐसी किसी प्रतिक्रिया की अवैधता के लिए स्वयं ही जिम्मेदार होगा, यदि

(i) आवेदन पत्र जिसके आधार पर केन्द्र सरकार द्वारा अनुमोदन प्रदान किया गया है, में गलत सूचना/सूचना अथवा कतिपय तथ्यपरक सूचना न दी गई हो।

(ii) यह उक्त औद्योगिक पार्क की अवस्थिति हेतु है जिसके लिए अनुमोदन किसी अन्य उपक्रम के नाम में पहले ही प्रदान किया गया है।

10. यदि मैसर्स श्यामाराजू एण्ड कंपनी (इंडिया) प्राइवेट लिमिटेड, बंगलौर (अर्थात् अन्तरणकर्ता उपक्रम) औद्योगिक पार्क का प्रचालन और अनुरक्षण किसी दूसरे उपक्रम (अर्थात् अंतर्गती उपक्रम) को हस्तांतरित करेगा तो अंतरणकर्ता और अंतर्गती उपर्युक्त हस्तांतरण के लिए अंतरणकर्ता और अंतर्गती उपक्रम के बीच निष्पादित करार की प्रति के साथ औद्योगिक सहायता सचिवालय, औद्योगिक नीति और संवर्धन विभाग, उद्योग भवन, नई दिल्ली-11 की उद्यमशीलता सहायता यूनिट संयुक्त रूप से सूचित करेंगे।

11. इस अधिसूचना में उल्लिखित शर्तों के साथ-साथ औद्योगिक पार्क स्कीम, 2002 में शामिल उन शर्तों का अनुपालन उस अवधि के दौरान किया जाना चाहिए जिसके लिए इस स्कीम के अंतर्गत लाभ प्राप्त किए जाने हैं। केन्द्र सरकार उपर्युक्त अनुमोदन को वापस ले सकती है यदि मैसर्स श्यामाराजू एण्ड कंपनी (इंडिया) प्राइवेट लिमिटेड, बंगलौर औद्योगिक पार्क स्कीम, 2002 में विहित शर्तों अथवा इस अधिसूचना की किसी भी शर्त के अनुपालन में असफल रहता है।

12. केन्द्र सरकार के अनुमोदन के बिना प्रोजेक्ट प्लान में किया गया कोई भी संशोधन अथवा भविष्य में पता लगना अथवा किसी ठोस तथ्य का उद्घाटन करने में आवेदक का असफल रहना, औद्योगिक पार्क के अनुमोदन को अवैध बना देना।

[अधिसूचना सं. 151/2006/फा. सं. 178/19/2006-आ क नि-1]

दीपक गर्ग, अवर सचिव

New Delhi, the 30th June, 2006

(INCOME-TAX)

S.O. 2749.—Whereas the Central Government in exercise of the powers conferred by clause (iii) of sub-section (4) of Section 80-1A of the Income-Tax Act, 1961 (43 of 1961) (hereinafter referred to as the said Act), has framed and notified a scheme for industrial park, by the notifications of the Government of India in the Ministry of Commerce and Industry (Department of Industrial Policy and Promotion) vide Number S.O. 193 (E), dated the 30th March, 1999, for the period beginning on the 1st day of April, 1997 and ending on the 31st day of March, 2002 and vide Number S.O. 354 (E) dated the 1st day of April, 2002, for the period beginning on the 1st day of April, 1997 and ending on the 31st day of March, 2006;

And whereas M/s. Shyamaraaju & Company (India) Private Limited, 'Divya Sree Chambers', 'A' Wing, No. 11, O'Shaughnessy Road, Bangalore-560 025 has developed an Industrial Park, at Divyasree Greens, Sy. No. 12/1, 12/2A and 13/1A, Indiranagar-Koramangala Ring Road, Domlur, Bangalore;

And whereas the Central Government has approved the said Industrial Park vide Ministry of Commerce and Industry letter No. 15/17/05-IP&ID dated 11-4-2005 subject to the terms and conditions mentioned in the annexure to this notification;

Now, therefore, in exercise of the powers conferred by clause (iii) of sub-section (4) of Section 80-IA of the said Act, the Central Government hereby notifies the undertaking, developed and being maintained and operated by M/s. Shyammaraju & Company (India) Private Limited, Bangalore, as an Industrial Park for the purposes of the said clause (iii).

ANNEXURE

The terms and conditions on which the approval of the Government of India has been accorded for setting up of an Industrial Park by M/s. Shyammaraju & Company (India) Private Limited, Bangalore.

1. (i) Name of the Industrial Undertaking : Shyammaraju & Company (India) Private Limited,
- (ii) Proposed location : Divyasree Greens,
Sy. No. 12/1, 12/2A and 13/1A,
Indiranagar-Koramangala Ring Road,
Next to 66 KVA Sub-station (KEB),
Domlur, Bangalore.
- iii) Area of Industrial Park : 63,087 Sq. Mtrs.
- (iv) Proposed activities

Nature of Industrial activity with NIC code					
NIC Code					Description
Sl. No.	Section	Division	Group	Class	
A	7	75	—	—	Communication Services
B	8	89	892	—	Data Processing, Software Development and Computer Consultancy Services
C	8	89	893	—	Business and Management Consultancy Activities
D	8	89	894	—	Architectural and Engineering and other Technical Consultancy Activities
E	8	89	895	—	Technical Testing and Analysis Services.

- (v) Percentage of allocable area earmarked for commercial use : 90.01%
- (vi) Percentage of allocable area earmarked for commercial use : 9.99%
- (vii) Minimum number of industrial units : 3 Units
- (viii) Total investments proposed (Amount in Rupees) : 110.80 crores
- (ix) Investment of built up space for industrial use (Amount in Rupees) : 63.25 crores
- (x) Investment on Infrastructure Development including investment on built up space for industrial use (Amount in Rupees) : 99.32 crores
- (xi) Proposed date of commencement of the Industrial Park : 1-4-2004

2. The minimum investment on infrastructure development in an Industrial Park shall not be less than 50% of the total project cost. In the case of an Industrial Park which provides built-up space for industrial use, the minimum

expenditure on infrastructure development including cost of construction of industrial space, shall not be less than 60% of the total project cost.

3. Infrastructure development shall include, roads (including approach roads), water supply and sewerage, common effluent treatment facility telecom network, generation and distribution of power, air-conditioning and such other facilities as are for common use for industrial activity which are identifiable and are provided on commercial terms.

4. No single unit referred to in column (2) of the Table given in sub-paragraph (b) of paragraph 6 of S.O. 354(E) dated the 1st April, 2002, shall occupy more than fifty per cent of the allocable industrial area of an Industrial Park. For this purpose a unit means any separate and distinct entity for the purpose of one and more state or Central tax laws.

5. Necessary approvals, including that for foreign direct investment or non-resident Indian investment by the Foreign Investment Promotion Board or Reserve Bank of India or any authority specified under any law for the time being in force, shall be taken separately as per the policy and procedures in force.

6. The tax benefits under the Act can be availed of only after the number of units indicated in Para 1(vii) of this Notification, are located in the Industrial Park.

7. M/s. Shyammaraju & Company (India) Private Limited, Bangalore, shall continue to operate the Industrial Park during the period in which the benefits under clause (iii) of sub-section (4) of Section 80-IA of the Income-tax Act, 1961 are to be availed.

8. In case the commencement of the Industrial Park is delayed by more than one year from the date indicated in Para 1(xi) of this notification, fresh approval will be required under the Industrial Park Scheme, 2002, for availing benefits under sub-section 4(iii) of Section 80-IA of the Income Tax Act, 1961.

9. The approval will be invalid and M/s. Shyammaraju & Company (India) Private Limited, Bangalore, shall be solely responsible for any repercussions of such invalidity, if

(i) the application on the basis of which the approval is accorded by the Central Government contains wrong information/misinformation or some material information has not been provided in it,

(ii) it is for the location of the Industrial Park for which approval has already been accorded in the name of another undertaking.

10. In case M/s. Shyammaraju & Company (India) Private Limited, Bangalore, transfers the operation and maintenance of the Industrial Park (i.e., transferor undertaking) to another undertaking (i.e. the transferee undertaking), the transferor and transferee shall jointly intimate to the Entrepreneurial Assistance Unit of the Secretariat for Industrial Assistance, Department of Industrial Policy and Promotion, Udyog Bhawan, New Delhi-11 along with a copy of the agreement executed between the transferor and transferee undertaking for the aforesaid transfer.

11. The conditions mentioned in this notification as well as those included in the Industrial Park Scheme, 2002 should be adhered to during the period for which benefits under this scheme are to be availed. The Central Government may withdraw the above approval in case M/s. Shyammaraju & Company (India) Private Limited, Bangalore, fails to comply with any of the conditions.

12. Any amendment of the project plan without the approval of the Central Government or detection in future, or failure on the part of the applicant to disclose any material fact, will invalidate the approval of the Industrial Park.

[Notification No. 151/2006/F.No. 178/19/2006-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 30 जून, 2006

(आयकर)

का.आ. 2750.—जबकि आयकर अधिनियम, 1961 (1961 का 43) (यहां आगे उक्त अधिनियम कहा गया है) की धारा 80 झ क की उप-धारा (4) के खंड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार ने 1 अप्रैल, 1997 से शुरू होकर तथा 31 मार्च, 2002 को समाप्त होने वाली अवधि के लिये संख्या का. आ. 193(अ) दिनांक 30 मार्च, 1999 के ज़रिए तथा 1 अप्रैल, 1997 से शुरू होकर तथा 31 मार्च, 2006 को समाप्त अवधि के लिए संख्या का. आ.354(अ) के ज़रिए भारत सरकार, वाणिज्य और उद्योग मंत्रालय (औद्योगिक नीति और संवर्धन विभाग)की अधिसूचनाओं द्वारा औद्योगिक पार्क की योजना निर्मित और अधिसूचित की है;

और जबकि मैसर्स सुब्रामन्या कंस्ट्रक्शन एण्ड डेवलपमेंट कंपनी लिमिटेड, बंगलौर जिसका पंजीकृत कार्यालय सं. 4/1, टुमकूर रोड, यशवंतपुर, बंगलौर-560022 में है, ने सं. 12, बनेरघाटा रोड, बंगलौर में एक औद्योगिक पार्क का विकास किया है;

और जबकि केन्द्र सरकार ने इस अधिसूचना के अनुबंध में उल्लिखित शर्तों के अधीन वाणिज्य तथा उद्योग मंत्रालय के दिनांक 13-4-2006 के पत्र सं. 15/55/2004-आई पी एंड आई डी के अन्तर्गत उक्त औद्योगिक पार्क अनुमोदित किया है;

अब इसलिए उक्त अधिनियम की धारा 80 झ क की उप-धारा (4) के खंड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा उक्त खंड (iii) के प्रयोजनार्थ औद्योगिक पार्क के रूप में मैसर्स सुब्रामन्या कंस्ट्रक्शन एण्ड डेवलपमेंट कंपनी लिमिटेड, बंगलौर द्वारा विकसित तथा अनुरक्षित एवं प्रचालित किए जा रहे उक्त उपक्रम को अधिसूचित करती है।

अनुबंध

शर्तें जिन पर भारत सरकार ने मैसर्स सुब्रामन्या कंस्ट्रक्शन एण्ड डेवलपमेंट कंपनी लिमिटेड, बंगलौर द्वारा औद्योगिक पार्क की गठित किए जाने हेतु अनुमोदन प्रदान किया गया है।

1. (i) औद्योगिक उपक्रम का नाम : सुब्रामन्या कंस्ट्रक्शन एण्ड डेवलपमेंट कंपनी लिमिटेड, बंगलौर
- (ii) प्रस्तावित स्थान : सं. 12, बनेरघाटा रोड, बंगलौर
- (iii) औद्योगिक पार्क का कुल क्षेत्रफल : 9.03 एकड़
- (iv) प्रस्तावित कार्यकलाप

एन आई सी संहिता के साथ औद्योगिक कार्यकलाप का स्वरूप

एन आई सी संहिता					विवरण
क्रम सं.	अनुभाग	प्रभाग	समूह	श्रेणी	
क	3	36	367	—	कंप्यूटर्स और कंप्यूटर आधारित प्रणालियों का निर्माण
ख	8	89	892	—	डाटा प्रोसेसिंग, साफ्टवेयर विकास तथा कम्प्यूटर कंसलटेंसी सेवाएं
ग	8	89	893	—	कारोबार तथा प्रबंधन कंसलटेंसी कार्यकलाप

- (v) औद्योगिक उपयोग के लिए प्रस्तावित आबंटनीय क्षेत्र का प्रतिशत : 100%
- (vi) वाणिज्यिक उपयोग के लिए निर्धारित भूमि का प्रतिशत : शून्य
- (vii) औद्योगिक यूनिटों की प्रस्तावित संख्या : 4 यूनिटें
- (viii) प्रस्तावित कुल निवेश (राशि रुपए में) : 228.35 करोड़
- (ix) औद्योगिक उपयोग के लिए निर्मित स्थान पर निवेश (राशि रुपए में) : 141.52 करोड़
- (x) अवसंरचनात्मक विकास पर निवेश जिसमें औद्योगिक उपयोग के लिए निर्मित स्थान पर निवेश भी शामिल है (राशि रुपए में) : 203.35 करोड़
- (xi) औद्योगिक पार्क के आरंभ होने की प्रस्तावित तिथि : 15-4-2004

2. किसी औद्योगिक पार्क में अवसंरचना विकास पर न्यूनतम निवेश कुल परियोजना लागत के 50% से कम नहीं होगा। ऐसे औद्योगिक पार्क जो औद्योगिक उपयोग के लिए निर्मित स्थल प्रदान करता है, के मामले में औद्योगिक स्थल के निर्माण कार्य की लागत सहित अवसंरचना विकास पर न्यूनतम खर्च कुल परियोजना लागत के 60% से कम नहीं होगा।

3. संरचना विकास में सड़क (सम्पर्क सड़क सहित), जलापूर्ति तथा सीवरेंज, दूषित जल शोधन सुविधा, टेलिकॉम नेटवर्क, विद्युत उत्पादन एवं वितरण, वातानुकूलन तथा ऐसी अन्य सुविधाएं जो औद्योगिक कार्यकलाप हेतु सामान्य उपयोग के लिए हैं जो वाणिज्यिक दृष्टि से निर्धारणीय है एवं उपलब्ध कराई गई हैं।

4. दिनांक 1 अप्रैल, 2002 की का.आ. 354(अ) के पैराग्राफ 6 के उप पैराग्राफ (ख) में निर्दिष्ट तालिका के कालम (2) में उल्लिखित कोई एकल इकाई किसी औद्योगिक पार्क के लिए नियत औद्योगिक क्षेत्र का 50% से अधिक हिस्सा धारित नहीं करेगी। इस प्रयोजनार्थ किसी इकाई का आशय एक या एक से अधिक राज्य अथवा केन्द्रीय कर कानून के प्रयोजन के लिए किसी अलग तथा भिन्न कम्पनी से है।

5. आवश्यक अनुमोदनों जिनमें विदेशी निवेश संवर्धन बोर्ड के द्वारा विदेशी प्रत्यक्ष निवेश अथवा अनिवासी भारतीय निवेश अथवा भारतीय रिजर्व बैंक अथवा यथा समय प्रवृत्त किसी कानून के अन्तर्गत विनिर्दिष्ट कोई प्राधिकरण भी शामिल हैं, को प्रवृत्त नीति तथा प्रक्रियाओं के अनुसार अलग से लिया जाएगा।

6. इस अधिसूचना के पैरा 1 (iii) में विनिर्दिष्ट संख्या में इकाइयों के औद्योगिक पार्क में अवस्थित होने के उपरान्त ही इस अधिनियम के अन्तर्गत कर लाभ प्राप्त हो सकते हैं।

7. मैसर्स सुब्रामन्या कंस्ट्रक्शन एण्ड डेवलपमेंट कंपनी लिमिटेड, बंगलौर उस अवधि के दौरान औद्योगिक पार्क का प्रचालन जारी रखेगा जिस अवधि में आयकर अधिनियम, 1961 की धारा 80. झ क की उप-धारा (4) के खंड (iii) के अन्तर्गत लाभ लिए जाने हैं।

8. यदि उक्त औद्योगिक पार्क के आरंभ होने में इस अधिसूचना के पैरा 1 (xi) में निर्दिष्ट तिथि से एक वर्ष से ज्यादा विलम्ब होता है तो आयकर अधिनियम, 1961 की धारा 80 झ क की उप-धारा 4 (iii) के अंतर्गत लाभ प्राप्त करने के लिए नया अनुमोदन प्राप्त करना अपेक्षित होगा।

9. यह अनुमोदन वैध रहेगा और मैसर्स सुब्रामन्या कंस्ट्रक्शन एण्ड डेवलपमेंट कंपनी लिमिटेड, बंगलौर ऐसी किसी प्रतिक्रिया की अवैधता के लिए स्वयं ही जिम्मेदार होगा, यदि

- (i) आवेदन पत्र जिसके आधार पर केन्द्र सरकार द्वारा अनुमोदन प्रदान किया गया है, में गलत सूचना/सूचना अथवा कतिपय तथ्यपरक सूचना न दी गई हो।
- (ii) यह उक्त औद्योगिक पार्क की अवस्थिति हेतु है जिसके लिए अनुमोदन किसी अन्य उपक्रम के नाम में पहले ही प्रदान किया गया है।

10. यदि मैसर्स सुब्रामन्या कंस्ट्रक्शन एण्ड डेवलपमेंट कंपनी लिमिटेड, बंगलौर (अर्थात् अन्तरणकर्ता उपक्रम) औद्योगिक पार्क का प्रचालन और अनुरक्षण किसी दूसरे उपक्रम (अर्थात् अंतरिती उपक्रम) को हस्तांतरित करेगा तो अंतरणकर्ता और अंतरिती उपर्युक्त हस्तांतरण के लिए अंतरणकर्ता और अंतरिती उपक्रम के बीच निष्पादित करार की प्रति के साथ औद्योगिक सहायता सचिवालय, औद्योगिक नीति और संवर्धन विभाग, उद्योग भवन, नई दिल्ली-11 की उद्यमशीलता सहायता यूनिट संयुक्त रूप से सूचित करेंगे।

11. इस अधिसूचना में उल्लिखित शर्तों के साथ-साथ औद्योगिक पार्क स्कीम, 2002 में शामिल उन शर्तों का अनुपालन उस अवधि के दौरान किया जाना चाहिए जिसके लिए इस स्कीम के अंतर्गत लाभ प्राप्त किए जाने हैं। केन्द्र सरकार उपर्युक्त अनुमोदन को वापस ले सकती है यदि मैसर्स सुब्रामन्या कंस्ट्रक्शन एण्ड डेवलपमेंट कंपनी लिमिटेड, बंगलौर औद्योगिक पार्क स्कीम, 2002 में विहित शर्तों अथवा इस अधिसूचना की किसी भी शर्त के अनुपालन में असफल रहता है।

12. केन्द्र सरकार के अनुमोदन के बिना प्रोजेक्ट प्लान में किया गया कोई भी संशोधन अथवा भविष्य में पता लगना अथवा किसी ठोस तथ्य का उद्घाटन करने में आवेदक का असफल रहना, औद्योगिक पार्क के अनुमोदन को अवैध बना देना।

[अधिसूचना सं. 152/2006/फा. सं. 178/36/2006-आकनि-1]

दीपक गर्ग, अवर सचिव

New Delhi, the 30th June, 2006

INCOME-TAX

S.O. 2750.—Whereas the Central Government in exercise of the powers conferred by clause (iii) of sub-section (4) of Section 80-IA of the Income-tax Act, 1961 (43 of 1961) (hereinafter referred to as the said Act), has framed and notified

a scheme for Industrial Park by the notifications of the Government of India in the Ministry of Commerce and Industry (Department of Industrial Policy and Promotion) vide Number S.O. 193 (E), dated the 30th March, 1999, for the period beginning on the 1st day of April, 1997 and ending on the 31st day of March, 2002 and vide Number S.O. 354 (E) dated the 1st day of April, 2002, for the period beginning on the 1st day of April, 1997 and ending on the 31st day of March, 2006;

And whereas M/s. Subramanya Construction and Development Company Limited, Bangalore, having registered office at No. 4/1, Tumkur Road, Yeshwanthpur, Bangalore-560022, has developed an industrial Park, at No. 12, Banerghatta Road, Bangalore;

And whereas the Central Government has approved the said Industrial Park vide Ministry of Commerce and industry letter No. 15/55/2004-IP & ID dated 13-4-2006 subject to the terms and conditions mentioned in the annexure to this notification;

Now, therefore, in exercise of the powers conferred by clause (iii) of sub-section (4) of Section 80-IA of the said Act, the Central Government hereby notifies the undertaking, developed and being maintained and operated by M/s. Subramanya Construction and Development Company Limited, Bangalore, as an industrial park for the purposes of the said clause (iii).

ANNEXURE

The terms and conditions on which the approval of the Government of India has been accorded for setting up of an industrial park by M/s. Subramanya Construction and Development Company Limited, Bangalore.

- | | | | |
|----|--|---|--|
| I. | (i) Name of the Industrial Undertaking | : | Subramanya Construction and Development Company Limited. |
| | (ii) Proposed Location | : | No. 12, Banerghatta Road, Bangalore. |
| | (iii) Area of Industrial Park | : | 9.03 acres |
| | (iv) Proposed Activities | : | |

Nature of Industrial Activity with NIC Code

Sl. No.	NIC Code				Description
	Section	Division	Group	Class	
A	3	36	367	—	Manufacture of computers and computer based systems.
B	8	89	892	—	Data Processing, software development and computer consultancy services.
C	8	89	893	—	Business and management consultancy activities.

- | | | | |
|--------|---|---|--------------|
| (v) | Percentage of allocable area earmarked for industrial use | : | 100% |
| (vi) | Percentage of allocable area earmarked for commercial use | : | Nil |
| (vii) | Minimum number of industrial units | : | 4 Units |
| (viii) | Total investments proposed (Amount in Rupees) | : | 228.35 crore |
| (ix) | Investment on built up space for industrial use (Amount in Rupees) | : | 141.52 crore |
| (x) | Investment on Infrastructure Development including investment on built up space for industrial use (Amount in Rupees) | : | 203.35 crore |
| (xi) | Proposed date of Commencement of the Industrial Park | : | 15-4-2004 |

2. The minimum investment on infrastructure development in an Industrial Park shall not be less than 50% of the total project cost. In the case of an Industrial Park which provides built-up space for industrial use, the minimum expenditure on infrastructure development including cost of construction of industrial space, shall not be less than 60% of the total project cost.

3. Infrastructure development shall include, roads (including approach roads), water supply and sewerage, common effluent treatment facility telecom network, generation and distribution of power, air-conditioning and such other facilities as are for common use for industrial activity which are identifiable and are provided on commercial terms.

4. No single unit referred to in column (2) of the Table given in sub-paragraph (b) of paragraph 6 of S.O. 354(E) dated the 1st April, 2002, shall occupy more than fifty per cent of the allocable industrial area of an Industrial Park. For this purpose a unit means any separate and distinct entity for the purpose of one and more state or Central tax laws.

5. Necessary approvals, including that for foreign direct investment or non-resident Indian investment by the Foreign Investment Promotion Board or Reserve Bank of India or any authority specified under any law for the time being in force, shall be taken separately as per the policy and procedures in force.

6. The tax benefits under the Act can be availed of only after the number of units indicated in Para 1(vii) of this Notification, are located in the Industrial Park.

7. M/s. Subramanya Construction and Development Company Limited, Bangalore, shall continue to operate the Industrial Park during the period in which the benefits under clause (iii) of sub-section (4) of Section 80-IA of the Income-Tax Act, 1961 are to be availed.

8. In case the commencement of the Industrial Park is delayed by more than one year from the date indicated in Para 1(xi) of this notification, fresh approval will be required under the Industrial Park Scheme, 2002, for availing benefits under sub-section 4(iii) of Section 80-IA of the Income Tax Act, 1961.

9. The approval will be invalid and M/s. Subramanya Construction and Development Company Limited, Bangalore, shall be solely responsible for any repercussions of such invalidity, if

- (i) the application on the basis of which the approval is accorded by the Central Government contains wrong information/misinformation or some material information has not been provided in it;
- (ii) it is for the location of the industrial park for which approval has already been accorded in the name of another undertaking.

10. In case M/s. Subramanya Construction and Development Company Limited, Bangalore, transfers the operation and maintenance of the industrial park (i.e., transferor undertaking) to another undertaking (i.e., transferee undertaking), the transferor and transferee shall jointly intimate to the Entrepreneurial Assistance Unit of the Secretariat for Industrial Assistance, Department of Industrial Policy and Promotion, Udyog Bhawan, New Delhi-11 along with a copy of the agreement executed between the transferor and transferee undertaking for the aforesaid transfer.

11. The conditions mentioned in this notification as well as those included in the Industrial Park Scheme, 2002 should be adhered to during the period for which benefits under this scheme are to be availed. The Central Government may withdraw the above approval in case M/s. Subramanya Construction and Development Company Limited, Bangalore, fails to comply with any of the conditions.

12. Any amendment of the project plan without the approval of the Central Government or detection in future, or failure on the part of the applicant to disclose any material fact, will invalidate the approval of the Industrial Park.

[Notification No. 152/2006/F.No. 178/36/2006-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 30 जून, 2006

(आयकर)

का.आ. 2751.—जबकि आयकर अधिनियम, 1961 (1961 का 43) (यहां आगे उक्त अधिनियम कहा गया है) की धारा 80 झ क की उपधारा (4) के खंड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार ने 1 अप्रैल, 1997 से शुरू होकर तथा 31 मार्च, 2002 को समाप्त होने वाली अवधि के लिये संख्या का.आ. 193(अ) दिनांक 30 मार्च, 1999 के ज़रिए तथा 1 अप्रैल, 1997 से शुरू होकर तथा 31 मार्च, 2006 को समाप्त अवधि के लिए संख्या का.आ. 354 (अ) के ज़रिए भारत सरकार, वाणिज्य और उद्योग मंत्रालय (औद्योगिक नीति और संवर्धन विभाग) की अधिसूचनाओं द्वारा औद्योगिक पार्क की योजना निर्मित और अधिसूचित की है ;

और जबकि मैसर्स एवाकेडो प्रॉपर्टीज़ एण्ड ट्रेडिंग (इंडिया) प्राइवेट लिमिटेड, मुम्बई जिसका पंजीकृत कार्यालय पैराडाइम में स्थल सं. 1406ए/18, माइन्डस्पेस, लिंक रोड, मलाड (पश्चिम), मुम्बई-400064 में है, ने भवन सं. 12, सी टी एस नं. 1406, ए/18 एस नं. 504, मलाड (पश्चिम) मुम्बई में 'पैराडाइम' नाम के एक औद्योगिक पार्क का विकास किया है ;

और जबकि केन्द्र सरकार ने इस अधिसूचना के अनुबंध में उल्लिखित शर्तों के अधीन वाणिज्य तथा उद्योग मंत्रालय के दिनांक 13-04-2006 के पत्र सं. 15/49/2005-आई पी एंड आई डी के अन्तर्गत उक्त औद्योगिक पार्क को अनुमोदित किया है ;

अब इसलिए उक्त अधिनियम की धारा 80 झ क की उपधारा (4) के खंड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एतद्वारा उक्त खंड (iii) के प्रयोजनार्थ औद्योगिक पार्क के रूप में मैसर्स एवाकेडो प्रॉपर्टीज़ एण्ड ट्रेडिंग (इंडिया) प्राइवेट लिमिटेड, मुम्बई द्वारा विकसित तथा अनुरक्षित एवं प्रचालित किए जा रहे उक्त उपक्रम को अधिसूचित करती है ।

अनुबंध

शर्तों जिन पर भारत सरकार ने मैसर्स एवाकेडो प्रॉपर्टीज़ एण्ड ट्रेडिंग (इंडिया) प्राइवेट लिमिटेड, मुम्बई द्वारा औद्योगिक पार्क की गठित किए जाने हेतु अनुमोदन प्रदान किया गया है ।

1. (i) औद्योगिक उपक्रम का नाम : एवाकेडो प्रॉपर्टीज़ एण्ड ट्रेडिंग (इंडिया) प्राइवेट लिमिटेड, मुम्बई
- (ii) प्रस्तावित स्थान : स्थल सं. 12, सी टी एस सं. 1406, ए/18, एस नं. 504 ए मलाड (पश्चिम), मुम्बई
- (iii) औद्योगिक पार्क का कुल क्षेत्रफल : 63860 वर्ग मीटर
- (iv) प्रस्तावित कार्यकलाप

एन आई सी संहिता के साथ औद्योगिक कार्यकलाप का स्वरूप

एन आई सी संहिता					विवरण
क्रम सं.	अनुभाग	प्रभाग	समूह	श्रेणी	
क	4	-	-	-	बिजली गैस और पानी
ख	7	75	-	-	दूरसंचार सेवाएं
ग	8	89	892	-	डाटा प्रोसेसिंग, साफ्टवेयर विकास तथा कम्प्यूटर कंसल्टैंसी सेवाएं
घ	8	89	893	-	कारोबार तथा प्रबंधन कंसल्टैंसी कार्यकलाप
ङ	8	89	894	-	वास्तुशिल्पीय तथा इंजीनियरी एवं अन्य तकनीकी कंसल्टैंसी कार्यकलाप
च	8	89	895	-	तकनीकी परीक्षण एवं विश्लेषण सेवाएं

(v) औद्योगिक उपयोग के लिए प्रस्तावित आबंटनीय क्षेत्र का प्रतिशत : 90.00%

(vi) वाणिज्यिक उपयोग के लिए निर्धारित भूमि का प्रतिशत : 10.00%

(vii) औद्योगिक यूनिटों की प्रस्तावित संख्या : 20 यूनिटें

(viii) प्रस्तावित कुल निवेश (राशि रुपए में) : 113.27 करोड़

(ix) औद्योगिक उपयोग के लिए निर्मित स्थान पर निवेश (राशि रुपए में) : 85.29 करोड़

- (x) अवसंरचनात्मक विकास पर : 89.84 करोड़ निवेश जिसमें औद्योगिक उपयोग के लिए निर्मित स्थान पर निवेश भी शामिल है (राशि रुपए में)

- (xi) औद्योगिक पार्क के आरंभ होने की प्रस्तावित तिथि

2. किसी औद्योगिक पार्क में अवसंरचना विकास पर न्यूनतम निवेश कुल परियोजना लागत के 50% से कम नहीं होगा। ऐसे औद्योगिक पार्क जो औद्योगिक उपयोग के लिए निर्मित स्थल प्रदान करता है, के मामले में औद्योगिक स्थल के निर्माण कार्य की लागत सहित अवसंरचना विकास पर न्यूनतम खर्च कुल परियोजना लागत के 60% से कम नहीं होगा।

3. संरचना विकास में सड़क (सम्पर्क सड़क सहित), जलापूर्ति तथा सीवर, दूषित जल शोधन सुविधा, टेलिकाम नेटवर्क, विद्युत उत्पादन एवं वितरण, कृतानुकूलन तथा ऐसी अन्य सुविधाएं जो औद्योगिक कार्यकलाप हेतु सामान्य उपयोग के लिए हैं जो वाणिज्यिक दृष्टि से निर्धारणीय है एवं उपलब्ध कराई गई हैं।

4. दिनांक 1 अप्रैल, 2002 की का.आ. 354 (अ) के पैराग्राफ 6 के उप पैराग्राफ (ख) में निर्दिष्ट तालिका के कालम (2) में उल्लिखित कोई एकल इकाई किसी औद्योगिक पार्क के लिए नियत औद्योगिक क्षेत्र का 50% से अधिक हिस्सा धारित नहीं करेगी। इस प्रयोजनार्थ किसी इकाई का आशय एक या एक से अधिक राज्य अथवा केन्द्रीय कर कानून के प्रयोजन के लिए किसी अलग तथा भिन्न कम्पनी से है।

5. आवश्यक अनुमोदनों जिनमें विदेशी निवेश संवर्धन बोर्ड के द्वारा विदेशी प्रत्यक्ष निवेश अथवा अनिवासी भारतीय निवेश अथवा भारतीय रिज़र्व बैंक अथवा यथा समय प्रवृत्त किसी कानून के अन्तर्गत विनिर्दिष्ट कोई प्राधिकरण भी शामिल हैं, को प्रवृत्त नीति तथा प्रक्रियाओं के अनुसार अलग से लिया जाएगा।

6. इस अधिसूचना के पैरा (1)(iii) में विनिर्दिष्ट संख्या में इकाइयों के औद्योगिक पार्क में अवस्थित होने के उपरान्त ही इस अधिनियम के अन्तर्गत कर लाभ प्राप्त हो सकते हैं।

7. मैसर्स एवाकेडो प्रॉपर्टीज एण्ड ट्रेडिंग (इंडिया) प्राइवेट लिमिटेड, मुम्बई उस अवधि के दौरान औद्योगिक पार्क का प्रचालन जारी रखेगा जिस अवधि में आयकर अधिनियम, 1961 की धारा 80 झ क की उपधारा (4) के खंड (iii) के अन्तर्गत लाभ लिए जाने हैं।

8. यदि उक्त औद्योगिक पार्क के आरंभ होने में इस अधिसूचना के पैरा 1(xi) में निर्दिष्ट तिथि से एक वर्ष से ज्यादा विलम्ब होता है तो आयकर अधिनियम, 1961 की धारा 80 झ क की उपधारा 4 (iii) के अंतर्गत लाभ प्राप्त करने के लिए नया अनुमोदन प्राप्त करना अपेक्षित होगा।

9. यह अनुमोदन वैध रहेगा और मैसर्स एवाकेडो प्रॉपर्टीज एण्ड ट्रेडिंग (इंडिया) प्राइवेट लिमिटेड, मुम्बई ऐसी किसी प्रतिक्रिया की अवैधता के लिए अकेले ही जिम्मेदार होगा, यदि

- (i) आवेदन पत्र जिसके आधार पर केन्द्र सरकार द्वारा अनुमोदन प्रदान किया गया है, में गलत सूचना/सूचना अथवा कतिपय तथ्यपरक सूचना न दी गई हो।

- (ii) यह उक्त औद्योगिक पार्क की अवस्थिति हेतु है जिसके लिए अनुमोदन किसी अन्य उपक्रम के नाम में पहले ही प्रदान किया गया है।

10. यदि मैसर्स एवाकेडो प्रॉपर्टीज एण्ड ट्रेडिंग (इंडिया) प्राइवेट लिमिटेड, मुम्बई (अर्थात् अन्तरणकर्ता उपक्रम) औद्योगिक पार्क का प्रचालन और अनुरक्षण किसी दूसरे उपक्रम (अर्थात् अंतर्गती उपक्रम) को हस्तांतरित करेगा तो अंतरणकर्ता और अंतर्गती उपर्युक्त हस्तांतरण के लिए अंतरणकर्ता और अंतर्गती उपक्रम के बीच निष्पादित करार की प्रति के साथ औद्योगिक सहायता सचिवालय, औद्योगिक नीति और संवर्धन विभाग, उद्योग भवन, नई दिल्ली-11 की उद्यमशीलता सहायता यूनिट संयुक्त रूप से सूचित करेंगे।

11. इस अधिसूचना में उल्लिखित शर्तों के साथ-साथ औद्योगिक पार्क स्कीम, 2002 में शामिल उन शर्तों का अनुपालन उस अवधि के दौरान किया जाना चाहिए जिसके लिए इस स्कीम के अंतर्गत लाभ प्राप्त किए जाने हैं। केन्द्र सरकार उपर्युक्त अनुमोदन को वापस ले सकती है यदि मैसर्स एवाकेडो प्रॉपर्टीज एण्ड ट्रेडिंग (इंडिया) प्राइवेट लिमिटेड, मुम्बई औद्योगिक पार्क स्कीम, 2002 में विहित शर्तों अथवा इस अधिसूचना की किसी भी शर्त के अनुपालन में असफल रहता है।

12. केन्द्र सरकार के अनुमोदन के बिना प्रोजेक्ट प्लान में किया गया कोई भी संशोधन अथवा भविष्य में पता लगना अथवा किसी ठोस तथ्य का उद्घाटन करने में आवेदक का असफल रहना, औद्योगिक पार्क के अनुमोदन को अवैध बना देना।

[अधिसूचना सं. 153/2006/फा.सं. 178/44/2006-आकनि-1]

दीपक गर्ग, अवर सचिव

New Delhi, the 30th June, 2006

(INCOME-TAX)

S.O. 2751.—Whereas the Central Government in exercise of the powers conferred by clause (iii) of sub-section (4) of Section 80-1A of the Income-tax Act, 1961 (43 of 1961) (hereinafter referred to as the said Act), has framed and notified a scheme for industrial park, by the notifications of the Government of India in the Ministry of Commerce and Industry (Department of Industry Policy and Promotion) vide number S.O. 193(E), dated the 30th March, 1999, for the period beginning on the 1st day of April, 1997 and ending on the 31st day of March, 2002 and vide number S.O. 354(E) dated the 1st day of April, 2002,

for the period beginning on the 1st day of April, 1997 and ending on the 31st day of March, 2006;

And whereas M/s. Avacado Properties & Trading (India) Private Limited, Mumbai, having registered office at Paradigm, S.No. 1406, A/18, Mindspace, Link Road, Malad (West), Mumbai-400064, has developed an Industrial Park namely, 'Paradigm' at Building No. 12, CTS No. 1406, A/18 S.No. 504, Malad (West), Mumbai;

And whereas the Central Government has approved the said Industrial Park *vide* Ministry of Commerce and Industry letter No. 15/49/2005-IP & ID dated 13-4-2006 subject to the terms and conditions mentioned in the annexure to this notification;

Now, therefore, in exercise of the powers conferred by clause (iii) of sub-section (4) of Section 80-IA of the said Act, the Central Government hereby notifies the undertaking, developed and being maintained and operated by M/s. Avacado Properties & Trading (India) Private

Limited, Mumbai, as an industrial park for the purposes of the said clause (iii).

ANNEXURE

The terms and conditions on which the approval of the Government of India has been accorded for setting up of an industrial park by M/s. Avacado Properties & Trading (India) Private Limited, Mumbai.

1. (i) Name of the Industrial Undertaking : Avacado Properties & Trading (India) Private Limited
- (ii) Proposed location : Building No. 12, CTS No. 1406, A/18 S. No. 504, Malad (West), Mumbai
- (iii) Area of Industrial Park : 63860 Square Meters
- (iv) Proposed activities

Nature of Industrial activity with NIC code

NIC Code					Description
S. No.	Section	Division	Group	Class	
A	4	—	—	—	Electricity Gas and Water
B	7	75	—	—	Communication services
C	8	89	892	—	Data Processing, software development and computer consultancy services
D	8	89	893	—	Business and management consultancy activities
E	8	89	894	—	Architectural and engineering and other technical consultancy activities
F	8	89	895	—	Technical testing and analysis services.

- (v) Percentage of allocable area earmarked for industrial use : 90.00%
- (vi) Percentage of allocable area earmarked for commercial use : 10.00%
- (vii) Minimum number of industrial units : 20 units
- (viii) Total investments proposed (Amount in Rupees) : 113.27 crores
- (ix) Investment on built up space for industrial use (Amount in Rupees) : 85.29 crores
- (x) Investment on infrastructure : 89.84 crores

Development including investment on built up space for industrial use (Amount in Rupees)

- (xi) Proposed date of Commencement of the Industrial Park : 17-8-2004

2. The minimum investment on infrastructure development in an Industrial Park shall not be less than 50% of the total project cost. In the case of an Industrial Park which provides built-up space for industrial use, the minimum expenditure on infrastructure development including cost of construction of industrial space, shall not be less than 60% of the total project cost.

3. Infrastructure development shall include, roads (including approach roads), water supply and sewerage, common effluent treatment facility, telecom network, generation and distribution of power, air-conditioning and such other facilities as are for common use for industrial activity which are identifiable and are provided on commercial terms.

4. No single unit referred to in column (2) of the Table given in sub-paragraph (b) of paragraph 6 of S. O. 354 (E) dated the 1st April, 2002, shall occupy more than fifty per cent of the allocable industrial area of an Industrial Park. For this purpose a unit means any separate and distinct entity for the purpose of one and more State or Central tax laws.

5. Necessary approvals, including that for foreign direct investment or non-resident Indian investment by the Foreign Investment Promotion Board or Reserve Bank of India or any authority specified under any law for the time being in Force, shall be taken separately as per the policy and procedures in force.

6. The tax benefits under the Act can be availed of only after the number of units indicated in Para 1 (vii) of this Notification, are located in the Industrial Park.

7. M/s. Avacado Properties & Trading (India) Private Limited, Mumbai, shall continue to operate the Industrial Park during the period in which the benefits under clause (iii) of Sub-section (4) of Section 80IA of the Income-tax Act, 1961 are to be availed.

8. In case the commencement of the Industrial Park is delayed by more than one year from the date indicated in Para 1 (xi) of this notification, fresh approval will be required under the Industrial Park Scheme, 2002, for availing benefits under Sub-section 4 (iii) of Section 80A of the Income-tax Act, 1961.

9. The approval will be invalid and M/s. Avacado Properties & Trading (India) Private Limited, Mumbai, shall be solely responsible for any repercussions of such invalidity, if

- (i) the application on the basis of which the approval is accorded by the Central Government contains wrong information/misinformation or some material information has not been provided in it.
- (ii) it is for the location of the Industrial Park for which approval has already been accorded in the name of another undertaking.

10. In case M/s. Avacado Properties & Trading (India) Private Limited, Mumbai, transfers the operation and maintenance of the Industrial Park (i.e., transferor undertaking) to another undertaking (i.e., the transferee

undertaking), the transferor and transferee shall jointly intimate to the Intreprenurial Assistance Unit of the Secretariat for Industrial Assistance, Department of Industrial Policy and Promotion, Udyog Bhawan, New Delhi-11 along with a copy of the agreement executed between the transferor and transferee undertaking for the aforesaid transfer.

11. The conditions mentioned in this notification as well as those included in the Industrial Park Scheme, 2002 should be adhered to during the period for which benefits under this scheme are to be availed. The Central Government may withdraw the above approval in case M/s. Avacado Properties & Trading (India) Private Limited, Mumbai, fails to comply with any of the conditions.

12. Any amendment of the project plan without the approval of the Central Government or detection in future, or failure on the part of the applicant to disclose any material fact, will invalidate the approval of the Industrial Park.

[Notification No. 153/2006/F. No. 178/44/2006-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 11 जुलाई, 2006

(आयकर)

का.आ. 2752.—जबकि आयकर अधिनियम, 1961 (1961 का 43) (यहां आगे उक्त अधिनियम कहा गया है) की धारा 80 झ क की उपधारा (4) के खंड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार ने 1 अप्रैल, 1997 से शुरू होकर तथा 31 मार्च, 2002 को समाप्त होने वाली अवधि के लिये संख्या का.आ. 193(अ) दिनांक 30 मार्च, 1999 के ज़रिए तथा, 1 अप्रैल, 1997 से शुरू होकर तथा 31 मार्च, 2006 को समाप्त अवधि के लिए संख्या का. आ. 354 (अ), दिनांक 1 अप्रैल, 2002 के ज़रिए भारत सरकार वाणिज्य और उद्योग मंत्रालय (औद्योगिक नीति और संवर्धन विभाग) की अधिसूचनाओं द्वारा औद्योगिक पार्क की योजना निर्मित और अधिसूचित की है ;

और जबकि मैसर्स राजस्थान स्टेट इंडस्ट्रियल डेवलपमेंट एंड इनवेस्टमेंट कारपोरेशन लि. जिसका पंजीकृत कार्यालय उद्योग भवन, तिलक मार्ग, जयपुर-302005 में है, ने भामाशाह, औद्योगिक क्षेत्र कलादवास, जिला उदयपुर, राजस्थान-313003 में एक औद्योगिक पार्क का विकास कर रहा है ;

और जबकि केन्द्र सरकार ने इस अधिसूचना के अनुबंध में उल्लिखित शर्तों के अधीन वाणिज्य तथा उद्योग मंत्रालय के दिनांक 6-10-2005 के पत्र सं. 15/87/2005-आई पी एंड आई डी के अन्तर्गत उक्त औद्योगिक पार्क को अनुमोदित किया है ;

अब इसलिए उक्त अधिनियम की धारा 80 झ क की उपधारा (4) के खंड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र

सरकार एतद्वारा उक्त खंड (iii) के प्रयोजनार्थ औद्योगिक पार्क के रूप में मैसर्स राजस्थान स्टेट इंडस्ट्रियल डेवलपमेंट एंड इन्वेस्टमेंट कारपोरेशन लिमिटेड, जयपुर द्वारा विकसित तथा अनुरक्षित एवं प्रचालित किए जा रहे उक्त उपक्रम को अधिसूचित करती है।

अनुबंध

शर्तें जिन पर भारत सरकार ने मैसर्स राजस्थान स्टेट इंडस्ट्रियल डेवलपमेंट एंड इन्वेस्टमेंट कारपोरेशन लिमिटेड, जयपुर द्वारा औद्योगिक पार्क गठित किए जाने हेतु अनुमोदन प्रदान किया गया है।

1. (i) औद्योगिक उपक्रम का नाम : मैसर्स राजस्थान स्टेट इंडस्ट्रियल डेवलपमेंट एंड इन्वेस्टमेंट कारपोरेशन लि. द्वारा भामाशाह, कलादवास, में विकसित औद्योगिक पार्क
- (ii) प्रस्तावित स्थान : औद्योगिक क्षेत्र भामाशाह कलादवास, जिला उदयपुर, राजस्थान
- (iii) औद्योगिक पार्क का कुल क्षेत्रफल : 258.85 एकड़
- (iv) प्रस्तावित कार्यकलाप :
एन आई सी संहिता के साथ औद्योगिक कार्यकलाप का स्वरूप

एन आई सी संहिता					विवरण
क्रम सं.	अनुभाग	प्रभाग	समूह	श्रेणी	
क	2 एंड 3	—	—	—	विनिर्माण

- (v) औद्योगिक उपयोग के लिए प्रस्तावित आर्बंटेनीय क्षेत्र का प्रतिशत : 98.51%
- (vi) वाणिज्यिक उपयोग के लिए निर्धारित भूमि का प्रतिशत : 1.49%
- (vii) औद्योगिक यूनिटों की न्यूनतम संख्या : 180 यूनिटें
- (viii) प्रस्तावित कुल निवेश (राशि रुपए में) : 608.94 लाख
- (ix) औद्योगिक उपयोग के लिए निर्मित स्थान पर निवेश (राशि रुपए में) : शून्य

(x) अवसंरचनात्मक विकास पर निवेश जिसमें औद्योगिक उपयोग के लिए निर्मित स्थान पर निवेश भी शामिल है (राशि रुपए में) : 435.34 लाख

(xi) औद्योगिक पार्क के आरंभ होने की प्रस्तावित तिथि : 01-01-2006

2. किसी औद्योगिक पार्क में अवसंरचना विकास पर न्यूनतम निवेश कुल परियोजना लागत के 50% से कम नहीं होगा। ऐसे औद्योगिक पार्क जो औद्योगिक उपयोग के लिए निर्मित स्थल प्रदान करता है, के मामले में औद्योगिक स्थल के निर्माण कार्य की लागत सहित अवसंरचना विकास पर न्यूनतम खर्च कुल परियोजना लागत के 60% से कम नहीं होगा।

3. अवसंरचना विकास में सड़क (सम्पर्क सड़क सहित), जलापूर्ति तथा सीवरेंज, दूषित जल शोधन सुविधा, टेलिकॉम नेटवर्क, विद्युत उत्पादन एवं वितरण, वातानुकूलन तथा ऐसी अन्य सुविधाएं जो औद्योगिक कार्यकलाप हेतु सामान्य उपयोग के लिए हैं जो निर्धारणीय हैं एवं वाणिज्यिक दृष्टि से उपलब्ध कराई जाती हैं।

4. दिनांक 1 अप्रैल, 2002 की का.आ. 354(अ) के पैराग्राफ 6 के उप-पैराग्राफ (ख) में निर्दिष्ट तालिका के कालम (2) में उल्लिखित कोई भी एकल इकाई किसी औद्योगिक पार्क के लिए नियत औद्योगिक क्षेत्र का 50% से अधिक हिस्सा धारित नहीं करेगी। इस प्रयोजनार्थ किसी इकाई का आशय एक या एक से अधिक राज्य अथवा केन्द्रीय कर कानून के प्रयोजन के लिए किसी अलग तथा भिन्न कम्पनी से है।

5. आवश्यक अनुमोदनों जिनमें विदेशी निवेश संवर्धन बोर्ड अथवा भारतीय रिजर्व बैंक अथवा यथा समय प्रवृत्त किसी कानून के अन्तर्गत विनिर्दिष्ट किसी प्राधिकरण के द्वारा विदेशी प्रत्यक्ष निवेश अथवा अनिवासी भारतीय निवेश भी शामिल हैं, को प्रवृत्त नीति तथा प्रक्रियाओं के अनुसार अलग से लिया जाएगा।

6. इस अधिसूचना के पैरा (1)(vii) में विनिर्दिष्ट संख्या में इकाइयों के औद्योगिक पार्क में अवस्थित होने के उपरान्त ही इस अधिनियम के अन्तर्गत कर लाभ प्राप्त हो सकते हैं।

7. मैसर्स राजस्थान स्टेट इंडस्ट्रियल डेवलपमेंट एंड इन्वेस्टमेंट कारपोरेशन लि., जयपुर उस अवधि के दौरान औद्योगिक पार्क का प्रचालन जारी रखेगा जिस अवधि में आयकर अधिनियम, 1961 की धारा 80 झ क की उप-धारा (4) के खंड (iii) के अन्तर्गत लाभ लिए जाने हैं।

8. यदि उक्त औद्योगिक पार्क के आरंभ होने में इस अधिसूचना के पैरा 1(xi) में निर्दिष्ट तिथि से एक वर्ष से ज्यादा विलम्ब होता है तो आयकर अधिनियम, 1961 की धारा 80 झ क की उपधारा 4 (iii)

के अंतर्गत लाभ प्राप्त करने के लिए औद्योगिक पार्क योजना, 2002 के अन्तर्गत नया अनुमोदन प्राप्त करना अपेक्षित होगा।

9. यह अनुमोदन अवैध रहेगा और मैसर्स राजस्थान स्टेट इंडस्ट्रियल डेवलपमेंट एंड इनवेस्टमेंट कारपोरेशन लि., जयपुर ऐसी किसी अवैधता की प्रतिक्रिया के लिए स्वयं ही जिम्मेदार होगा, यदि

- (i) आवेदन पत्र जिसके आधार पर केन्द्र सरकार द्वारा अनुमोदन प्रदान किया गया है, में गलत सूचना/त्रुटिपूर्ण सूचना अथवा कतिपय तथ्यपरक सूचना न दी गई हो।
- (ii) यह उक्त औद्योगिक पार्क की अवस्थिति हेतु हो जिसके लिए अनुमोदन किसी अन्य उपक्रम के नाम में पहले ही प्रदान किया गया है।

10. यदि मैसर्स राजस्थान स्टेट इंडस्ट्रियल डेवलपमेंट एंड इनवेस्टमेंट कारपोरेशन लि., जयपुर (अर्थात् अन्तरणकर्ता उपक्रम) औद्योगिक पार्क का प्रचालन और अनुरक्षण किसी दूसरे उपक्रम (अर्थात् अंतरिती उपक्रम) को हस्तांतरित करेगा तो अंतरणकर्ता और अंतरिती उपर्युक्त हस्तांतरण के लिए अंतरणकर्ता और अंतरिती उपक्रम के बीच निष्पादित करार की प्रति के साथ औद्योगिक सहायता सचिवालय, औद्योगिक नीति और संवर्धन विभाग, उद्योग भवन, नई दिल्ली-11 की उद्यमशीलता सहायता यूनिट को संयुक्त रूप से सूचित करेंगे।

11. इस अधिसूचना में उल्लिखित शर्तों के साथ-साथ औद्योगिक पार्क स्कीम, 2002 में शामिल शर्तों का अनुपालन उस अवधि के दौरान किया जाना चाहिए जिसमें इस स्कीम के अंतर्गत लाभ प्राप्त किए जाने हैं। केन्द्र सरकार उपर्युक्त अनुमोदन को वापस ले सकती है यदि मैसर्स राजस्थान स्टेट इंडस्ट्रियल डेवलपमेंट एंड इनवेस्टमेंट कारपोरेशन लि., जयपुर किसी भी शर्त के अनुपालन में असफल रहता है।

12. केन्द्र सरकार के अनुमोदन के बिना प्रोजेक्ट प्लान में किया गया कोई भी संशोधन अथवा भविष्य में पता लगना अथवा किसी ठोस तथ्य का उद्घाटन करने में आवेदक का असफल रहना, औद्योगिक पार्क के अनुमोदन को अवैध बना देना।

[अधिसूचना सं. 172/2006/फा. सं. 178/7/2006-आकनि-1]

दीपक गर्ग, अवर सचिव

New Delhi, the 11th July, 2006

(INCOME-TAX)

S.O. 2752.—Whereas the Central Government in exercise of the powers conferred by clause (iii) of Sub-section (4) of Section 80-IA of the Income-tax Act, 1961 (43 of 1961) (hereinafter referred to as the said Act), has framed and notified a scheme for industrial park, by the notification of the Government of India in the Ministry of Commerce

and Industry (Department of Industrial Policy and Promotion) vide number S.O. 193(E), dated the 30th March, 1999, for the period beginning on the 1st day of April, 1997 and ending on the 31st day of March, 2002 and vide number S.O. 354(E) dated the 1st day of April, 2002, for the period beginning on the 1st day of April, 1997 and ending on the 31st day of March, 2006;

And whereas M/s. Rajasthan State Industrial Development & Investment Corporation Limited, having registered office at Udyog Bhawan, Tilak Marg, Jaipur-302005 is developing an Industrial Park, at Industrial Area Bhamshah, Kaladwas, District Udaipur, Rajasthan-313003;

And whereas the Central Government has approved the said Industrial Park vide Ministry of Commerce and Industry letter No. 15/87/2005-IP & ID dated 6-10-2005 subject to the terms and conditions mentioned in the annexure to this notification;

Now, therefore, in exercise of the powers conferred by clause (iii) of sub-section (4) of Section 80-IA of the said Act, the Central Government hereby notifies the undertaking, developed and being maintained and operated by M/s. Rajasthan State Industrial Development & Investment Corporation Limited, Jaipur, as an industrial park for the purpose of the said clause (iii).

ANNEXURE

The terms and conditions on which the approval of the Government of India has been accorded for setting up of an industrial park by M/s. Rajasthan State Industrial Development & Investment Corporation Limited, Jaipur.

1. (i) Name of the Industrial Undertaking : Industrial Park at Bhamshah, Kaladwas, developed by M/s. Rajasthan State Industrial Development & Investment Corporation Limited.
- (ii) Proposed location : Industrial Area Bhamshah, Kaladwas, Udaipur, Rajasthan.
- (iii) Area of Industrial Park : 258.85 acres.

(iv) Proposed activities

Nature of Industrial activity with NIC code					Description
S.No.	NIC Code		Group	Class	
A	Section	Division			
	2 & 3	—	—	—	Manufacturing
(v)	Percentage of allocable area earmarked for industrial use	:	98.51%		<p>5. Necessary approvals, including that for foreign direct investment or non-resident Indian investment by the Foreign Investment Promotion Board or Reserve Bank of India or any authority specified under any law for the time being in force, shall be taken separately as per the policy and procedures in force.</p> <p>6. The tax benefits under the Act can be availed of only after the number of units indicated in Para 1 (vii) of this Notification, are located in the Industrial Park.</p> <p>7. M/s. Rajasthan State Industrial Development & Investment Corporation Limited, Jaipur shall continue to operate the Industrial Park during the period in which the benefits under clause (iii) of sub-section (4) of Section 80-IA of the Income-tax Act, 1961 are to be availed.</p> <p>8. In case the commencement of the Industrial Park is delayed by more than one year from the date indicated in Para 1 (xi) of this notification, fresh approval will be required under the Industrial Park Scheme, 2002, for availing benefits under sub-section 4 (iii) of Section 80-IA of the Income Tax Act, 1961.</p> <p>9. The approval will be invalid and M/s. Rajasthan State Industrial Development & Investment Corporation Limited, Jaipur shall be solely responsible for any repercussions of such invalidity, if</p> <p>(i) the application on the basis of which the approval is accorded by the Central Government contains wrong information/misinformation or some material information has not been provided in it.</p> <p>(ii) it is for the location of the Industrial Park for which approval has already been accorded in the name of another undertaking.</p> <p>10. In case M/s. Rajasthan State Industrial Development & Investment Corporation Limited, Jaipur transfers the operation and maintenance of the Industrial Park (i.e., transferor undertaking) to another undertaking (i.e., the transferee undertaking), the transferor and transferee shall jointly intimate to the Entrepreneurial Assistance Unit of the Secretariat for Industrial Assistance, Department of Industrial Policy and Promotion, Udyog Bhawan, New Delhi-11 along with a copy of the agreement executed between the transferor and transferee undertaking for the aforesaid transfer.</p>
(vi)	Percentage of allocable area earmarked for commercial use	:	1.49%		
(vii)	Minimum number of industrial units	:	180 Units		
(viii)	Total investments proposed (Amount in Rupees)	:	608.94 lakhs		
(ix)	Investment on built up space for industrial use (Amount in Rupees)	:	Nil		
(x)	Investment on Infrastructure Development including investment on built up space for industrial use (Amount in Rupees)	:	435.34 lakhs		
(xi)	Proposed date of Commencement of the Industrial Park	:	01-01-2006		

2. The minimum investment on infrastructure development in an Industrial Park shall not be less than 50% of the total project cost. In the case of an Industrial Park which provides built-up space for industrial use, the minimum expenditure on infrastructure development including cost of construction of industrial space, shall not be less than 60% of the total project cost.

3. Infrastructure development shall include, roads (including approach roads), water supply and sewerage, common effluent treatment facility, telecom network, generation and distribution of power, air-conditioning and such other facilities as are for common use for industrial activity which are identifiable and are provided on commercial terms.

4. No single unit referred to in column (2) of the Table given in sub-paragraph (b) of paragraph 6 of S. O. 354 (E) dated the 1st April, 2002, shall occupy more than fifty per cent of the allocable industrial area of an Industrial Park. For this purpose a unit means any separate and distinct entity for the purpose of one and more State or Central tax laws.

11. The conditions mentioned in this notification as well as those included in the Industrial Park Scheme, 2002 should be adhered to during the period for which benefits under this scheme are to be availed. The Central Government may withdraw the above approval in case M/s. Rajasthan State Industrial Development & Investment Corporation Limited, Jaipur fails to comply with any of the conditions.

12. Any amendment of the project plan without the approval of the Central Government or detection in future, or failure on the part of the applicant to disclose any material fact, will invalidate the approval of the Industrial Park.

[Notification No. 172/2006/F. No. 178/7/2006-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 11 जुलाई, 2006

(आयकर)

का.आ. 2753.—जबकि आयकर अधिनियम, 1961 (1961 का 43) (यहां आगे उक्त अधिनियम कहा गया है) की धारा 80-झक की उप-धारा (4) के खंड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार ने 1 अप्रैल, 1997 से शुरू होकर तथा 31 मार्च, 2002 को समाप्त होने वाली अवधि के लिये संख्या का.आ. 193(अ) दिनांक 30 मार्च, 1999 के ज़रिए तथा, 1 अप्रैल, 1997 से शुरू होकर तथा 31 मार्च, 2006 को समाप्त अवधि के लिए संख्या का.आ. 354(अ) दिनांक 1 अप्रैल, 2002 के ज़रिए भारत सरकार वाणिज्य और उद्योग मंत्रालय (औद्योगिक नीति और संवर्धन विभाग) की अधिसूचनाओं द्वारा औद्योगिक पार्क की योजना निर्मित और अधिसूचित की है ;

और जबकि मैसर्स राजस्थान स्टेट इंडस्ट्रियल डेवलपमेंट एंड इनवेस्टमेंट कारपोरेशन लि. जिसका पंजीकृत कार्यालय उद्योग भवन, तिलक मार्ग, जयपुर-302005 में है, ने सिंघाना, जिला झुनझुनू, राजस्थान में एक औद्योगिक पार्क का विकास किया है;

और जबकि केन्द्र सरकार ने इस अधिसूचना के अनुबंध में

उल्लिखित शर्तों के अधीन वाणिज्य तथा उद्योग मंत्रालय के दिनांक 3-11-2005 के पत्र सं. 15/108/2005-आई पी एंड आई डी के अन्तर्गत उक्त औद्योगिक पार्क को अनुमोदित किया है;

अब इसलिए उक्त अधिनियम की धारा 80-झक की उप-धारा (4) के खंड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एतद्वारा उक्त खंड (iii) के प्रयोजनार्थ औद्योगिक पार्क के रूप में मैसर्स राजस्थान स्टेट इंडस्ट्रियल डेवलपमेंट एंड इनवेस्टमेंट कारपोरेशन लिमिटेड, जयपुर द्वारा विकसित तथा अनुरक्षित एवं प्रचालित किए जा रहे उक्त उपक्रम को अधिसूचित करती है ।

अनुबंध

शर्तें जिन पर भारत सरकार ने मैसर्स राजस्थान स्टेट इंडस्ट्रियल डेवलपमेंट एंड इनवेस्टमेंट कारपोरेशन लि., जयपुर द्वारा औद्योगिक पार्क गठित किए जाने हेतु अनुमोदन प्रदान किया गया है ।

1. (i) औद्योगिक उपक्रम का नाम : मैसर्स राजस्थान स्टेट इंडस्ट्रियल डेवलपमेंट एंड इनवेस्टमेंट कारपोरेशन लि. द्वारा सिंघाना, झुनझुनू में विभाजित औद्योगिक पार्क
- (ii) प्रस्तावित स्थान : सिंघाना, जिला झुनझुनू, राजस्थान
- (iii) औद्योगिक पार्क का कुल क्षेत्रफल : 18.75 एकड़
- (iv) प्रस्तावित कार्यकलाप :

एन आई सी संहिता के साथ औद्योगिक कार्यकलाप का स्वरूप

एन आई सी संहिता					विवरण
क्रम	अनुभाग	प्रभाग	समूह	श्रेणी	
सं.	2 एंड 3	—	—	—	विनिर्माण कार्यकलाप
(v)	औद्योगिक उपयोग के लिए प्रस्तावित आबंटनीय क्षेत्र का प्रतिशत	: 100%			(viii) प्रस्तावित कुल निवेश (राशि रुपए में) : 50.58 लाख
(vi)	वाणिज्यिक उपयोग के लिए निर्धारित भूमि का प्रतिशत	: शून्य			(ix) औद्योगिक उपयोग के लिए निर्मित स्थान पर निवेश (राशि रुपए में) : शून्य
(vii)	औद्योगिक यूनिटों की न्यूनतम संख्या	: 30 यूनिटें			(x) अवसरचलात्मक विकास पर निवेश जिसमें औद्योगिक उपयोग के लिए निर्मित स्थान पर निवेश भी शामिल है (राशि रुपए में) : 49.38 लाख

(xi) औद्योगिक पार्क के आरंभ : 31-3-2006 होने की प्रस्तावित तिथि

2. किसी औद्योगिक पार्क में अवसंरचना विकास पर न्यूनतम निवेश कुल परियोजना लागत के 50% से कम नहीं होगा। ऐसे औद्योगिक पार्क जो औद्योगिक उपयोग के लिए निर्मित स्थल प्रदान करता है, के मामले में औद्योगिक स्थल के निर्माण कार्य की लागत सहित अवसंरचना विकास पर न्यूनतम खर्च कुल परियोजना लागत के 60% से कम नहीं होगा।

3. अवसंरचना विकास में सड़क (सम्पर्क सड़क सहित), जलापूर्ति तथा सीवरेंज, दूषित जल शोधन सुविधा, टेलिकॉम नेटवर्क, विद्युत उत्पादन एवं वितरण, वातानुकूलन तथा ऐसी अन्य सुविधाएं जो औद्योगिक कार्यकलाप हेतु सामान्य उपयोग के लिए हैं जो निर्धारणीय हैं एवं वाणिज्यिक दृष्टि से उपलब्ध कराई जाती हैं।

4. दिनांक 1 अप्रैल, 2002 की का.आ. 354 (अ) के पैराग्राफ 6 के उप-पैराग्राफ (ख) में निर्दिष्ट तालिका के कालम (2) में उल्लिखित कोई भी एकल इकाई किसी औद्योगिक पार्क के लिए नियत औद्योगिक क्षेत्र का 50% से अधिक हिस्सा धारित नहीं करेगी। इस प्रयोजनार्थ किसी इकाई का आशय एक या एक से अधिक राज्य अथवा केन्द्रीय कर कानून के प्रयोजन के लिए किसी अलग तथा भिन्न कम्पनी से है।

5. आवश्यक अनुमोदनों जिनमें विदेशी निवेश संवर्धन बोर्ड अथवा भारतीय रिजर्व बैंक अथवा यथासमय प्रवृत्त किसी कानून के अन्तर्गत विनिर्दिष्ट किसी प्राधिकरण के द्वारा विदेशी प्रत्यक्ष निवेश अथवा अनिवासी भारतीय निवेश भी शामिल हैं, को प्रवृत्त नीति तथा प्रक्रियाओं के अनुसार अलग से लिया जाएगा।

6. इस अधिसूचना के पैरा (1)(vii) में विनिर्दिष्ट संख्या में इकाइयों के औद्योगिक पार्क में अवस्थित होने के उपरान्त ही इस अधिनियम के अन्तर्गत कर लाभ प्राप्त हो सकते हैं।

7. मैसर्स राजस्थान स्टेट इंडस्ट्रियल डेवलपमेंट एंड इनवेस्टमेंट कारपोरेशन लि., जयपुर उस अवधि के दौरान औद्योगिक पार्क का प्रचालन जारी रखेगा जिस अवधि में आबकर अधिनियम, 1961 की धारा 80 झ क की उपधारा (4) के खंड (iii) के अन्तर्गत लाभ लिए जाने हैं।

8. यदि उक्त औद्योगिक पार्क के आरंभ होने में इस अधिसूचना के पैरा 1(xi) में निर्दिष्ट तिथि से एक वर्ष से ज्यादा विलम्ब होगा तो आयकर अधिनियम, 1961 की धारा 80 झ क की उपधारा 4 (iii) के अंतर्गत लाभ प्राप्त करने के लिए औद्योगिक पार्क योजना, 2002 के अन्तर्गत नया अनुमोदन प्राप्त करना अपेक्षित होगा।

9. यह अनुमोदन अवैध रहेगा और मैसर्स राजस्थान स्टेट इंडस्ट्रियल डेवलपमेंट एंड इनवेस्टमेंट कारपोरेशन लि., जयपुर ऐसी किसी अवैधता की प्रतिक्रिया के लिए स्वयं ही जिम्मेदार होगा, यदि

(i) आवेदन-पत्र जिसके आधार पर केन्द्र सरकार द्वारा अनुमोदन प्रदान किया गया है, में गलत सूचना/श्रुतिपूर्ण सूचना अथवा कतिपय तथ्यपरक सूचना न दी गई हो।

(ii) वह उक्त औद्योगिक पार्क की अवस्थिति हेतु हो जिसके लिए अनुमोदन किसी अन्य उपक्रम के नाम में पहले ही प्रदान किया गया हो।

10. यदि मैसर्स राजस्थान स्टेट इंडस्ट्रियल डेवलपमेंट एंड इनवेस्टमेंट कारपोरेशन लि., जयपुर (अर्थात् अन्तरणकर्ता उपक्रम) औद्योगिक पार्क का प्रचालन और अनुरक्षण किसी दूसरे उपक्रम (अर्थात् अंतरिती उपक्रम) को हस्तांतरित करेगा तो अंतरणकर्ता और अंतरिती उपर्युक्त हस्तांतरण के लिए अंतरणकर्ता और अंतरिती उपक्रम के बीच निष्पादित करार की प्रति के साथ औद्योगिक सहायता सचिवालय, औद्योगिक नीति और संवर्धन विभाग, उद्योग भवन, नई दिल्ली-11 की उद्यमशीलता सहायता यूनिट संयुक्त रूप से सूचित करेंगे।

11. इस अधिसूचना में उल्लिखित शर्तों के साथ-साथ औद्योगिक पार्क स्कीम, 2002 में शामिल शर्तों का अनुपालन उस अवधि के दौरान किया जाना चाहिए जिसमें इस स्कीम के अंतर्गत लाभ प्राप्त किए जाने हैं। केन्द्र सरकार उपर्युक्त अनुमोदन को वापस ले सकती है यदि मैसर्स राजस्थान स्टेट इंडस्ट्रियल डेवलपमेंट एंड इनवेस्टमेंट कारपोरेशन लि., जयपुर किसी भी शर्त के अनुपालन में असफल रहता है।

12. केन्द्र सरकार के अनुमोदन के बिना प्रोजेक्ट प्लान में किया गया कोई भी संशोधन अथवा भविष्य में पता लगना अथवा किसी ठोस तथ्य का उद्घाटन करने में आवेदक का असफल रहना, औद्योगिक पार्क के अनुमोदन को अवैध बना देता।

[अधिसूचना सं. 173/2006/फा.सं. 178/8/2006—आ क नि-1]

दीपक गर्ग, अवर सचिव

New Delhi, the 11th July, 2006

(INCOME-TAX)

S.O. 2753.—Whereas the Central Government in exercise of the powers conferred by clause (iii) of Sub-section (4) of Section 80-1A of the Income-tax Act, 1961 (43 of 1961) (hereinafter referred to as the said Act), has framed and notified a scheme for industrial park, by the notifications of the Government of India in the Ministry of Commerce and Industry (Department of Industrial Policy and Promotion) vide number S.O. 193(E), dated the 30th March, 1999, for the period beginning on the 1st day of April, 1997 and ending on the 31st day of March, 2002 and vide number S.O. 354(E) dated the 1st day of April, 2002, for the period beginning on the 1st day of April, 1997 and ending on the 31st day of March, 2006;

And whereas M/s. Rajasthan State Industrial Development and Investment Corporation Limited, having

registered office at Udyog Bhawan, Tilak Marg, Jaipur-302005 is developing an Industrial Park, at Singhana, District, Jhunjhunu, Rajasthan.

And whereas the Central Government has approved the said Industrial Park vide Ministry of Commerce and Industry letter No. 15/108/05-IP & ID dated 3-11-2005 subject to the terms and conditions mentioned in the annexure to this notification;

Now, therefore, in exercise of the powers conferred by clause (iii) of sub-section (4) of Section 80-IA of the said Act, the Central Government hereby notifies the undertaking, developed and being maintained and operated by M/s. Rajasthan State Industrial Development & Investment Corporation Limited, Jaipur, as an industrial park for the purposes of the said clause (iii).

ANNEXURE

The terms and conditions on which the approval of the Government of India has been accorded for setting up

of an industrial park by M/s. Rajasthan State Industrial Development and Investment Corporation Limited, Jaipur.

1. (i) Name of the Industrial Undertaking : Industrial Park at Singhana, Jhunjhunu, developed by M/s. Rajasthan State Industrial Development and Investment Corporation Limited.

(ii) Proposed location : Singhana, District, Jhunjhunu, Rajasthan.

(iii) Area of Industrial Park : 18.75 acres

(iv) Proposed activities

Nature of Industrial activity with NIC code

S.No.	NIC Code				Description
	Section	Division	Group	Class	
A	2 & 3	—	—	—	Manufacturing activities
(v)	Percentage of allocable area proposed for industrial use		: 100%	including cost of construction of industrial space, shall not be less than 60% of the total project cost.	
(vi)	Percentage of land earmarked for commercial use		: Nil	3. Infrastructure development shall include, roads (including approach roads), water supply and sewerage, common effluent treatment facility, telecom network, generation and distribution of power, air-conditioning and such other facilities as are for common use for industrial activity which are identifiable and are provided on commercial terms.	
(vii)	Minimum number of industrial units		: 30 Units		
(viii)	Total investments proposed (Amount in Rupees)		: 50.58 lakhs		
(ix)	Investment on built up space for Industrial use (Amount in Rupees)		: Nil	4. No single unit referred to in column (2) of the Table given in sub-paragraph (b) of paragraph 6 of S. O. 354 (E) dated the 1st April, 2002, shall occupy more than fifty per cent of the allocable industrial area of an Industrial Park. For this purpose a unit means any separate and distinct entity for the purpose of one and more State or Central tax laws.	
(x)	Investment on Infrastructure Development including investment on built up space for industrial use (Amount in Rupees)		: 49.38 lakhs		
(xi)	Proposed date of Commencement of the Industrial Park		: 31-3-2006	5. Necessary approvals, including that for foreign direct investment or non-resident Indian investment by the Foreign Investment Promotion Board or Reserve Bank of India or any authority specified under any law for the	

2. The minimum investment on infrastructure development in an Industrial Park shall not be less than 50% of the total project cost. In the case of an Industrial Park which provides built-up space for industrial use, the minimum expenditure on infrastructure development

6. The tax benefits under the Act can be availed of only after the number of units indicated in Para 1 (vii) of this Notification, are located in the Industrial Park.

7. M/s. Rajasthan State Industrial Development & Investment Corporation Limited, Jaipur shall continue to operate the Industrial Park during the period in which the benefits under clause (iii) of sub-section (4) of Section 80-IA of the Income-tax Act, 1961 are to be availed.

8. In case the commencement of the Industrial Park is delayed by more than one year from the date indicated in Para 1 (xi) of this notification, fresh approval will be required under the Industrial Park Scheme, 2002, for availing benefits under sub-section 4 (iii) of Section 80-IA of the Income-tax Act, 1961.

9. The approval will be invalid and M/s. Rajasthan State Industrial Development & Investment Corporation Limited, Jaipur shall be solely responsible for any repercussions of such invalidity, if

- (i) the application on the basis of which the approval is accorded by Central Government contains wrong information/misinformation or some material information has not been provided it.
- (ii) it is for the location of the industrial park for which approval has already been accorded in the name of another undertaking.

10. In case M/s. Rajasthan State Industrial Development & Investment Corporation Limited, Jaipur transfers the operation and maintenance of the industrial park (i.e., transfers undertaking) to another undertaking (i.e., the transferee undertaking), the transferor and transferee shall jointly intimate to the Entrepreneurial Assistance Unit of the Secretariat for Industrial Assistance, Department of Industrial Policy and Promotion, Udyog Bhawan, New Delhi-11 along with a copy of the agreement executed between the transferor and transferee undertaking for the aforesaid transfer.

11. The conditions mentioned in this notifications as well as those included in the Industrial Park Scheme, 2002 should be adhered to during the period for which benefits under this scheme are to be availed. The Central Government may withdraw the above approval in case M/s. Rajasthan State Industrial Development & Investment Corporation Limited, Jaipur fails to comply with any of the conditions.

12. Any amendment of the project plan without the approval of the Central Government or detection in future, or failure on the part of the applicant to disclose any material fact, will invalidate the approval of the industrial park.

[Notification No. 173/2006/F. No. 178/8/2006-ITA-I]

DEEPAK GARG, Under Secy.

शुद्धि पत्र

नई दिल्ली, 11 जुलाई, 2006

का. आ. 2754.—दिनांक 30 मार्च, 2006 की वित्त मंत्रालय, राजस्व विभाग, भारत सरकार की अधिसूचना सं. 44/2006 (फा. सं.

203/34/2004 आ.क.नि. II) के आंशिक संशोधन में वह अवधि जिसके लिए आयकर अधिनियम, 1961 की धारा 35(1)(iii) के अन्तर्गत अनुमोदन प्रदान किया गया है उसे दिनांक 1-4-2004 से 31-3-2007 की बजाए दिनांक 1-4-2003 से 31-3-2006 पढ़ा जाए।

[अधिसूचना सं. 174/2006/फा. सं. 203/34/2004-आकनि-II]

रेणू जौहरी, निदेशक, (आ.क.नि.-II)

CORRIGENDUM

New Delhi, the 11th July, 2006

S.O. 2754.—In partial modification of Ministry of Finance, Department of Revenue, Government of India, Notification No. 44/2006 dated 30th March, 2006 (F. No. 203/34/2004/ITA. II) the period for which approval has been granted u/s 35(1)(iii) of the Income-tax Act, 1961, should be read as 1-4-2003 to 31-3-2006 instead of 1-4-2004 to 31-3-2007.

[Notification No. 174/2006/F. No. 203/34/2004-ITA-II]

RENU JAUHRI, Director (ITA-II)

विद्युत मंत्रालय

नई दिल्ली, 6 जुलाई, 2006

का.आ. 2755.—केन्द्रीय सरकार, सरकारी स्थान (अप्राधिकृत अधिभूमियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए नीचे दी गई सारणी के स्तम्भ (1) में उल्लिखित अधिकारी को, जो कि सरकार के राजपत्रित अधिकारी की रैंक के समतुल्य अधिकारी हैं, उक्त अधिनियम के प्रयोजनों के लिए संपदा अधिकारी नियुक्त करती है और वह अधिकारी उक्त सारणी के स्तम्भ (2) में विनिर्दिष्ट सरकारी स्थान की बाबत अपनी अधिकारिता की स्थानीय सीमाओं के भीतर उक्त अधिनियम द्वारा या उसके अधीन संपदा अधिकारी को प्रदत्त शक्तियों का प्रयोग और अधिरोपित कर्तव्यों का पालन करने के लिए सशक्त करती है :

सारणी

अधिकारी का नाम	सरकारी स्थान का प्रवर्ग तथा अधिकारिता की स्थानीय सीमाएं
(1)	(2)
चीफ इंजीनियर, नेशनल हाइड्रोइलेक्ट्रिक पावर कारपोरेशन लिमिटेड, फरीदाबाद, हरियाणा	सैक्टर-41, सराय ख्वाजा, फरीदाबाद, हरियाणा में नेशनल हाइड्रोइलेक्ट्रिक पावर कारपोरेशन लिमिटेड के सरकारी परिसर

[फा. सं. 11-4/2006-डीओ(एनएचपीसी)]

राजेश वर्मा, निदेशक

MINISTRY OF POWER

New Delhi, the 6th July, 2006

S.O. 2755.—In exercise of the powers conferred by the Section 3 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officer mentioned in column (1) of the table below, being equivalent to the rank of Gazetted Officer of the Government, to be Estate Officer for the purpose of the said Act and the said officer shall exercise the powers conferred and perform the duties imposed on estate officer by or under the said Act, within the local limit of his jurisdiction in respect of the public premises specified in column (2) of the said table :

TABLE

Designation of the Officer	Categories of public premises and local limits of jurisdiction
(1)	(2)
Chief Engineer, National Hydroelectric Power Corporation Limited, Faridabad, Haryana	Public premises belonging to the National Hydroelectric Power Corporation Limited in Sector-41, Sarai Khwaza, Faridabad, Haryana.

[F. No. 11/4/2006-DO (NHPC)]

RAJESH VERMA, Director

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य और परिवार कल्याण विभाग)

नई दिल्ली, 6 जुलाई, 2006

क्र.आ. 2756.—भारतीय आयुर्विज्ञान परिषद अधिनियम, 1956 (1956 का 102) की धारा 11 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय आयुर्विज्ञान परिषद से परामर्श करने के पश्चात् उक्त अधिनियम की प्रथम अनुसूची में एतद्वारा निम्नलिखित और संशोधन करती है, अर्थात् :

उक्त अनुसूची में “विश्वविद्यालय अथवा आयुर्विज्ञान संस्था” शीर्षक के अधीन “काकातीया विश्वविद्यालय, वारंगल” और उससे संबंधित प्रचष्टियों के बाद “मान्यताप्राप्त आयुर्विज्ञान अर्हता” और “संक्षेपाक्षर” शीर्षकों के अधीन क्रमशः निम्नलिखित अन्तःस्थापित किया जाएगा, अर्थात् :-

(1)	(2)	(3)
किंग जार्ज मेडिकल यूनिवर्सिटी, लखनऊ	बैचलर आफ मेडिसिन एंड बैचलर आफ सर्जरी ओटो-राइनो-लैरिंगोलॉजी में डिप्लोमा स्त्री एवं रोग विज्ञान में डिप्लोमा मेडिसिन रेडियोलॉजी तथा इलेक्ट्रोलाजी में डिप्लोमा आपथलमिक मेडिसिन एवं सर्जरी में डिप्लोमा क्लिनिकल पैथोलॉजी में डिप्लोमा आर्थोपेडिक्स में डिप्लोमा क्षयरोग में डिप्लोमा क्षयरोग एवं वक्ष रोगों में डिप्लोमा जनस्वास्थ्य में डिप्लोमा संवेक्षकहरण विज्ञान में डिप्लोमा बाल-स्वास्थ्य में डिप्लोमा डाक्टर आफ मेडिसिन (जनरल मेडिसिन) मास्टर आफ सर्जरी (शल्य क्रिया) मास्टर आफ सर्जरी (शरीर रचना विज्ञान) मास्टर आफ सर्जरी (हड्डी रोग विज्ञान) मास्टर आफ सर्जरी (नेत्र विज्ञान) मास्टर आफ सर्जरी (स्त्री एवं प्रसूति रोग विज्ञान) डाक्टर आफ मेडिसिन (स्त्री एवं प्रसूति रोग विज्ञान) मास्टर आफ सर्जरी (ओटो-राइनो-लैरिंगोलॉजी) डाक्टर आफ मेडिसिन (शरीर क्रिया विज्ञान) डाक्टर आफ मेडिसिन (भेषज विज्ञान) डाक्टर आफ मेडिसिन (पैथालॉजी)	एमबीबीएस डी.एल.ओ. डी.जी.ओ. डी.एम.आर.ई. डी.ओ.एम.एस. डी.सी.पी. डी. आर्थो डी.टी.डी. डी.टी.सी.डी. डी.पी.एच. डी.ए. डी.सी.एच. एम.डी. (जनरल मेडिसिन) एम.एस. (सर्जरी) एम.एस. (शरीर रचना विज्ञान) एम.एस. (आर्थो) एम.एस. (नेत्र विज्ञान) एम.एस. (स्त्री एवं प्रसूति रोग विज्ञान) एम.डी. (स्त्री एवं प्रसूति रोग विज्ञान) एम.एस. (इएनटी) एम.डी. (शरीर क्रिया विज्ञान) एम.डी. (फार्मा.) एम.डी. (पैथोलॉजी)

(1)	(2)	(3)
	डाक्टर आफ मेडिसिन (क्षयरोग)	एम.डी. (क्षयरोग)
	डाक्टर आफ मेडिसिन (क्षय एवं वक्ष रोग)	एम.डी. (क्षय एवं वक्ष रोग)
	डाक्टर आफ मेडिसिन (क्षय एवं श्वसनी रोग)	एम.डी. (क्षय एवं श्वसनी रोग)
	डाक्टर आफ मेडिसिन (सामाजिक एवं निवारक चिकित्सा)	एम.डी. (एस.पी.एम.)
	डाक्टर आफ मेडिसिन (विकिरण विज्ञान)	एम.डी. (विकिरण विज्ञान)
	डाक्टर आफ मेडिसिन (संवेदनाहरण विज्ञान)	एम.डी. (संवेदनाहरण विज्ञान)
	मास्टर आफ सर्जरी (प्लास्टिक सर्जरी)	एम.एस. (प्लास्टिक सर्जरी)
	मजिस्ट्रार चिरुरनगिए (प्लास्टिक सर्जरी)	एम.सी.एच. (प्लास्टिक सर्जरी)
	डाक्टर आफ मेडिसिन (बाल रोग चिकित्सा)	एम.डी. (बाल रोग चिकित्सा)
	डाक्टर आफ मेडिसिन (मनश्चिकित्सा)	एम.डी. (मनश्चिकित्सा)
	मजिस्ट्रार चिरुरनगिए (तंत्रिका शल्यक्रिया)	एम.सी.एच. (तंत्रिका शल्य क्रिया)
	डाक्टर आफ मेडिसिन (हृदय रोग विज्ञान)	डी.एम. (हृदय रोग विज्ञान)
	डाक्टर आफ मेडिसिन (विकिरण थिरेपी)	एम.डी. (विकिरण थिरेपी)
	डाक्टर आफ मेडिसिन (तंत्रिका विज्ञान)	डी.एम. (तंत्रिका)

[सं. बी-11015-2/2005-एचई (पी)]

शरत कुमार मिश्रा, अवर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health and Family Welfare)

New Delhi, the 6th July, 2006

S.O. 2756.—In exercise of the powers conferred by sub-section (2) of the Section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consultation with the Medical Council of India, hereby makes the following further amendments in the First Schedule to the said Act, namely:—

In the said Schedule, after “Kakatiya University, Warangal” under the heading ‘University or Medical Institution’ and the entries relating thereto under the headings “Recognized Medical Qualifications” and “Abbreviation”, the following shall be respectively be inserted namely:—

University or Medical Institution	Recognized medical qualification	Abbreviation for registration
(1)	(2)	(3)
King George's Medical University, Lucknow	Bachelor of Medicine and Bachelor of Surgery	MBBS
	Diploma in Oto-Rhino-Laryngology	D.L.O.
	Diploma in Obstetrics and Gynaecology	D.G.O.
	Diploma in Medicine Radiology and Electrology	D.M.R.E.
	Diploma in Ophthalmic Medicine and Surgery	D.O.M.S.
	Diploma in Clinical Pathology	D.C.P.
	Diploma in Orthopaedics	D. Ortho
	Diploma in Tuberculosis Diseases	D.T.D.
	Diploma in Tuberculosis and Chest Diseases	D.T.C.D.
	Diploma in Public Health	D.P.H.
	Diploma in Anaesthesiology	D.A.
	Diploma in Child Health	D.C.H.
	Doctor of Medicine (General Medicine)	M.D. (General Medicine)
	Master of Surgery (Surgery)	M.S. (Surgery)
	Master of Surgery (Anatomy)	M.S. (Anatomy)
	Master of Surgery (Orthopaedics)	M.S. (Ortho)
	Master of Surgery (Ophthalmology)	M.S. (Ophth)
	Master of Surgery (Obstetrics and Gynaecology)	M.S. (Obst. & Gynae)
	Doctor of Medicine (Obstetrics and Gynaecology)	M.D. (Obst. & Gynae)

(1)	(2)	(3)
	Master of Surgery (Oto-Rhino-Laryngology)	M.S. (ENT)
	Doctor of Medicine (Physiology)	M.D. (Phy.)
	Doctor of Medicine (Pharmacology)	M.D. (Pharma)
	Doctor of Medicine (Pathology)	M.D. (Path)
	Doctor of Medicine (Tuberculosis)	M.D. (T.B.)
	Doctor of Medicine (TB & Chest Diseases)	M.D. (TB & Chest Dise.)
	Doctor of Medicine (TB & Resp. Diseases)	M.D. (TB & Resp. Diseases)
	Doctor of Medicine (Social and Preventive Medicine)	M.D. (S.P.M.)
	Doctor of Medicine (Radiology)	M.D. (Radio.)
	Doctor of Medicine (Anaesthesiology)	M.D. (Anes.)
	Master of Surgery (Plastic Surgery)	M.S. (Pl. Surg.)
	Magistrar Chirurgiae (Plastic Surgery)	M. Ch. (Plastic Surgery)
	Doctor of Medicine (Paediatrics)	M.D. (Paed.)
	Doctor of Medicine (Psychiatry)	M.D. (Psy.)
	Magistrar Chirurgiae (Neuro Surgery)	M.Ch. (Neuro Surg.)
	Doctor of Medicine (Cardiology)	D.M. (Cardio)
	Doctor of Medicine (Radio-Therapy)	M.D. (Rad. Therapy)
	Doctor of Medicine (Neurology)	D.M. (Neuro)

[No. V-11015/2/2005-ME(P)]

S. K. MISHRA, Under Secy.

रेल मंत्रालय

(रेलवे बोर्ड)

नई दिल्ली, 10 जुलाई, 2006

का. आ. 2757—रेल मंत्रालय (रेलवे बोर्ड), राजभाषा नियम, 1976 (संघ के शासकीय प्रयोजनों के लिए प्रयोग) के नियम 10 के उपनियम (2) और (4) के अनुसरण में पश्चिम मध्य रेलवे, जबलपुर के मुख्यालय, जहाँ 80% से अधिक अधिकारियों/कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करता है।

[सं. हिंदी-2006/रा.भा-1/12/1]

कृष्णा शर्मा, संयुक्त निदेशक, (राजभाषा)

MINISTRY OF RAILWAYS

(RAILWAY BOARD)

New Delhi, the 10th July, 2006

S. O. 2757.—Ministry of Railways (Railway Board), in pursuance of sub-rule (2) and (4) of Rule 10 of the Official Language Rules, 1976 (use for the official purposes of the Union) hereby, notify the Headquarter of West-Central Railway, Jabalpur, where more than 80% Officers/Employees have acquired the working knowledge of Hindi.

[No. Hindi-2006/OL-1/12/1]

KRISHNA SHARMA, Jt. Director (OL)

नागर विमानन मंत्रालय

नई दिल्ली, 5 जुलाई, 2006

का. आ. 2758—भारतीय विमानपत्तन प्राधिकरण अधिनियम, 1994 (1994 की संख्या 55) की धारा 3 में निहित शक्तियों का प्रयोग करते हुए केन्द्र सरकार ने यह निर्णय लिया है कि इंडियन एयरलाइन्स के अध्यक्ष और प्रबंध निदेशक श्री विश्वपति त्रिवेदी, आई ए एस (म प्र-77) इस आदेश की जारी करने की तारीख से भारतीय विमानपत्तन प्राधिकरण के बोर्ड में अंशकालिक सरकारी सदस्य बने नहीं रहेंगे।

[सं. एवी-24015/005/94-वीबी]

सर्वेश कुमार आर्य, अवर सचिव

MINISTRY OF CIVIL AVIATION

New Delhi, the 5th July, 2006

S. O. 2758.—In exercise of the powers conferred by Section 3 of the Airports Authority of India Act, 1994 (No. 55 of 1994) the Central Government has decided that Shri Vishwapati Trivedi, IAS (MP:77), Chairman and Managing Director of Indian Airlines will cease to be a part-time Government Member on the Board of Airports Authority of India, from the date of issue of this order.

[No. AV-24015/005/94-VB)

SARWESH KUMAR ARYA, Under Secy.

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

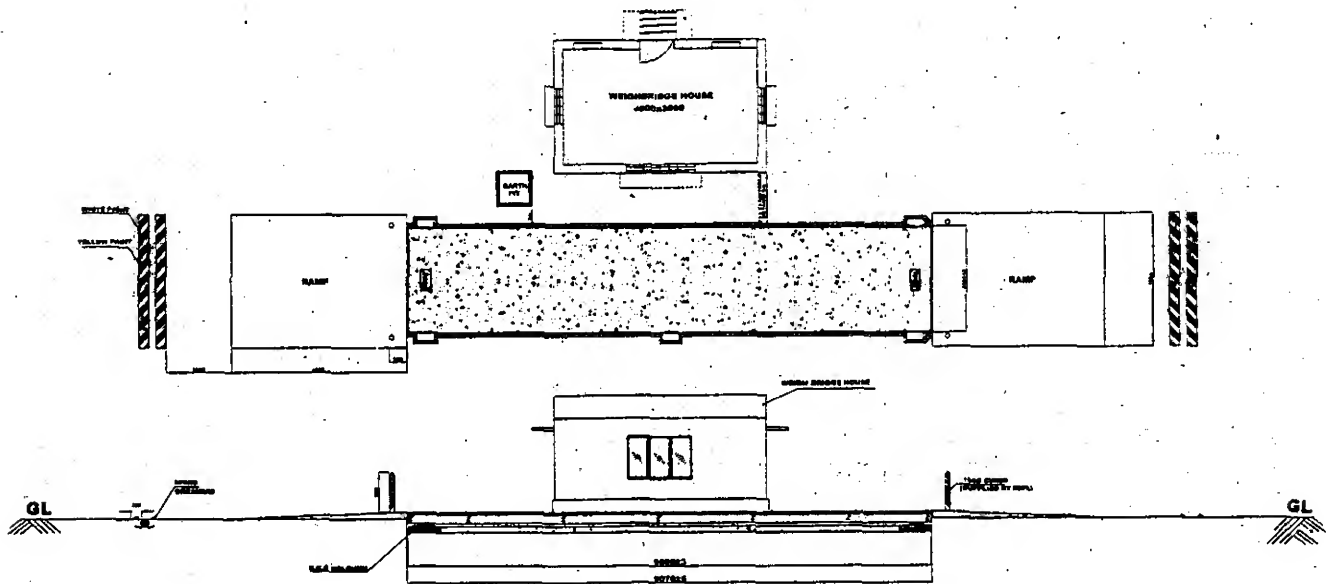
नई दिल्ली, 19 जून, 2006

का. आ. 2759.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स ईसाई डिजीटैलमैक्स प्राइवेट लिमिटेड, ए-1, ईसाई इंडस्ट्रियल इस्टेट, 62: 3, बेगुर होबली रोड, बोम्मनहल्ली, बंगलूर-560068 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "सी टी एस-216" शृंखला के स्वतः सूचक अस्वचालित, अंकक सूचन सहित (बहुभार सेल तोल तुला प्रकार) के मॉडल का, जिसके ब्रांड का नाम "ईसाई कंफ्रीट वे ब्रिज" है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/336 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;

उक्त मॉडल (दी गई आकृति देखें) एक बहुभार सेल आधारित तुला चौकी प्रकार का तोलन उपकरण है। इसकी अधिकतम क्षमता 40 टन और न्यूनतम क्षमता 100 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 कि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्शक तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील बन्द करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए भी सीसबन्दी की जाएगी।



और, केन्द्रीय सरकार, उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 कि.ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अंतराल (एन) की संख्या सहित 5 टन से अधिक और 100 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^4 , 2×10^4 या 5×10^4 , के हैं, जिसमें के घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. नं. डब्ल्यू एम-21(282)/2001]

पी. ए. कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

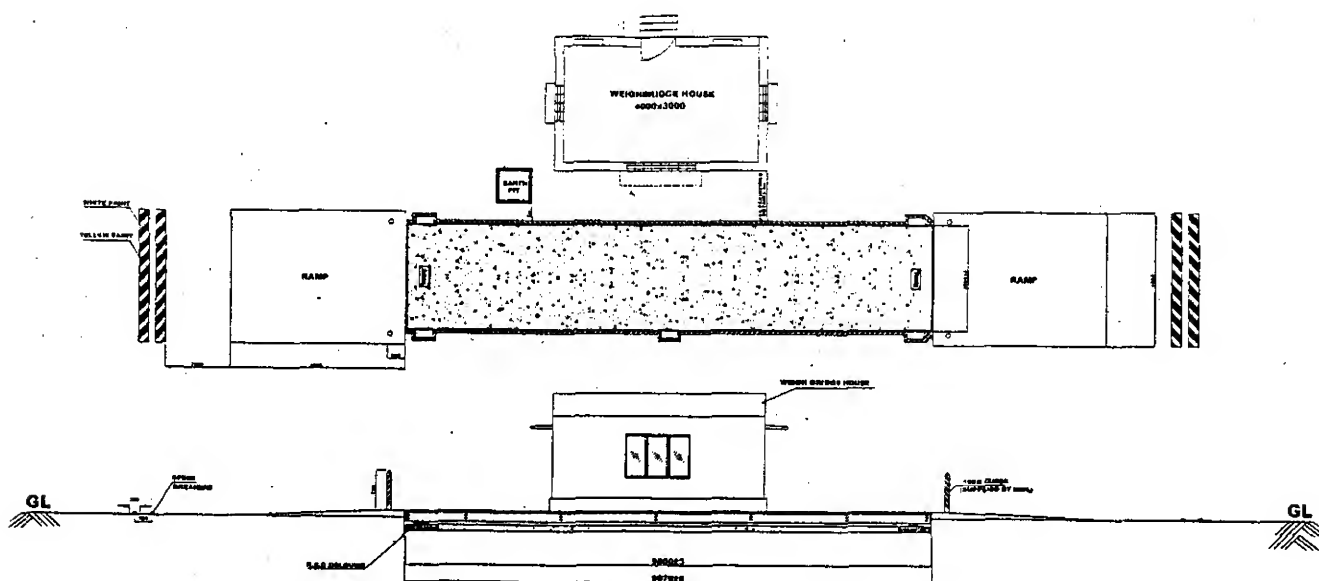
New Delhi, the 19th June, 2006

S.O. 2759.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the self-indicating, non-automatic (Multi load cell type weight bridge) weighing instrument with digital indication of 'CTS-216' series of medium accuracy (Accuracy class-III) and with brand name "ESSAE Concrete Weigh Bridge" (hereinafter referred to as the said model), manufactured by M/s. Essae Digitraonics Private Limited, A1, Essae Industrial Estate, 62/3, Begur Hobli Road, Bommanahalli, Bangalore-560 068 and which is assigned the approval mark IND/09/2003/336;

The said model (see the figure given below) is a multi load cell based weigh bridge type weighing instrument with a maximum capacity of 40 tonnes and minimum capacity of 100kg. The verification scale interval (e) is 5kg. It has a tare device with a 100 per cent subtractive retained tare effect. The vacuum florescent display indicates the weighing result. The instrument operates on 230 volts and 50 Hertz alternate current power supply.

Sealing : In addition to sealing the stamping plate, sealing shall be done to prevent the opening machine for fraudulent practices.



Further, in exercise of the powers conferred by sub-section (12) of the Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, and performance of same series with maximum capacity above 5 tonne and upto 100 tonnes with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 1kg or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(282)/2001]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 19 जून, 2006

का. अ. 2760 भारतीय सरकार का विहित अधिकारी द्वारा नैसर्गलैण्ड्स सीटिफिकेट (एन एम आई), नैसर्गलैण्ड्स द्वारा, अनुमोदन प्रमाण-पत्र इसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बोट और माप मैनिक अधिविध, 1976 (1976 का 60) तथा बोट और माप मैनिक (मॉडल) का अनुमोदन नियम, 1987 के उपबन्धों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल कार्यरत बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

सतत, अब केन्द्रीय सरकार, जल अधिनियम की धारा (3) के तहत अनुसूच और धारा 36 की उपधारा (7) और (8) द्वारा प्रस्तुत शक्तियों का प्रयोग करते हुए मैसर्स शिनको इन्डस्ट्रीज लि. जे. 3-9-11 यूसुमा बनकमो-कु, टोक्यो 113-0034, जापान द्वारा निर्मित और भारत में मैसर्स सेसुयो इलेक्ट्रॉनिक्स, 89/1-ए, भवानी पेठ, निरार वसेटी पुल, मुम्बई-411 042, महाराष्ट्र, द्वारा बिना किसी परिवर्तन और परिवर्धन के बिक्री किए गए "सी टी" मूखला के अंक सूचन सहित, अस्वचालित, तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "शिनको इन्ड्री" है और जिसे अनुमोदन न्विड आई एन डी/13/06/240 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गेज प्रकार का भार सेल आधारित अस्वचालित (टेबल टॉप प्रकार के) तोलन उपकरण है। इसकी अधिकतम क्षमता ≤ 600 कैरट है। सत्यापन मापमान अन्तराल का मान स्पेशल यथार्थता वर्ग (यथार्थता वर्ग-1) के लिए एन $\leq 60,000$ के लिए ई ≥ 0.01 कैरट है। इसमें एक आधेयतुलन युक्ति है जिसकी शक्ति प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। उपकरण 6 वोल्ट - 9 वोल्ट डी. सी. विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्ध भी किया जाएगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्य विध्यादेश सिद्धान्त आदि की शर्तों पर कोई परिवर्तन नहीं किया जाएगा।

[फा. सं. डब्ल्यू एम-21(37)/2006]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 19th June, 2006

S.O. 2760.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, along with the Model approval certificate issued by the Netherlands Meetinstituut (NMI), Netherlands, is satisfied that the model described in the said report (see the figure given below), is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the non-automatic weighing instrument (table top type) with digital indication of series 'CT' with brand name 'Shinko Denshi' and manufactured by M/s. Shinko Denshi, No. 3-9-11 Yushima Bunkyo-ku, Tokyo 113--0034, Japan and sold in India without any alternation or additions by M/s Sansui Electronics, No. 89/1-A, Bhawani Peth, Near Ghaseti Pool, Pune-411 042, Maharashtra and which is assigned the approval mark IND/13/06/240;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table Top type) with a maximum capacity ≤ 600 ct in respect of verification scale interval $n \leq 60000$ for $e \geq 0.01$ ct for special 'accuracy class-I'. It has a tare device with a 100 per cent subtractive retained tare effect. The instrument operates on 6V—9V DC power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

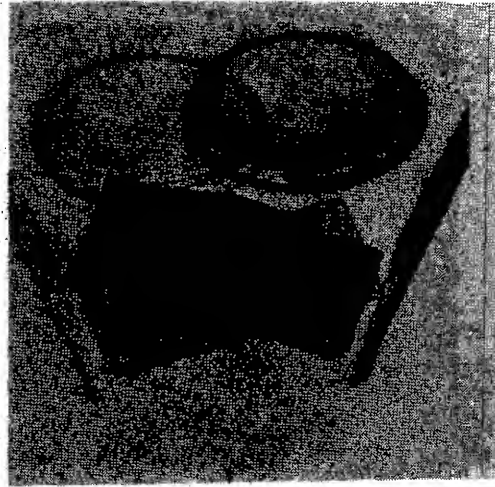
[F. No. WM-21(37)/2006]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 19 जून, 2006

का. अ. 2761.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा नीदरलैण्ड्स मीटिङ्ग्मशीन (एन एम आई), नीदरलैण्ड्स द्वारा, अनुमोदन प्रमाण-पत्र उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) विधाय, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की उप-धारा (3) के तीसरे परन्तुक और धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स शिनको डेन्की कं. लि. नं : 3-9-11 यूशिमा बनकयो-कू टोक्यो 113-0034, जापान द्वारा निर्मित और भारत में मैसर्स सेन्सुयी इलैक्ट्रॉनिक्स, 89/1-ए, भवानी पेठ, नियर घसेटी पुल, पुणे-411 042, महाराष्ट्र, द्वारा बिना किसी परिवर्तन और परिवर्धन के बिक्री किए गए "सी टी" शृंखला के अंकक सूचन सहित, अस्वचालित, तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम 'शिनको डेन्की' है और जिसे अनुमोदन विह आई एन डी/13/06/241 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है ;



उक्त मॉडल एक विकृति गेज प्रकार का भार सेल आधारित अस्वचालित (टेबल टॉप प्रकार के) तोलन उपकरण है। इसकी अधिकतम क्षमता ≤ 120 ग्रा. है। संस्थापन मापमान अन्तराल का मान उच्च यथार्थता वर्ग (यथार्थता वर्ग-II) के लिए एन $\leq 12,000$ के लिए ≥ 0.01 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। उपकरण 6 वोल्ट -9 वोल्ट डी. सी. विद्युत प्रदाय पर कार्य करता है।

स्टॉम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कम्पटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जायेगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्य निष्पादन सिद्धान्त आदि की शर्तों पर कोई परिवर्तन नहीं किया जाएगा।

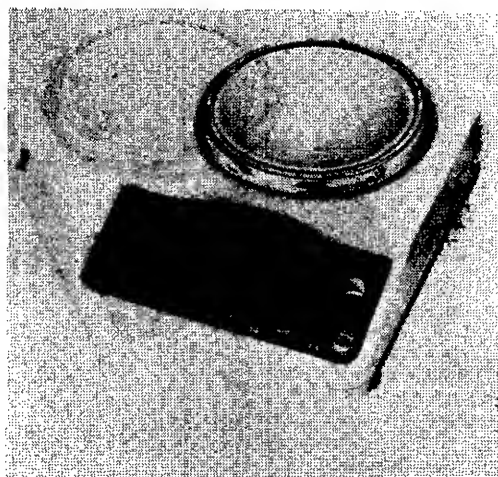
[फा. सं. डब्ल्यू एम-21(37)/2006]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 19th June, 2006

S.O. 2761.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, along with the Model approval certificate issued by the Netherlands Meetinstituut (NMI), Netherlands, is satisfied that the model described in the said report (see the figure given below), is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the non-automatic weighing instrument (table top type) with digital indication of series 'CT' with brand name 'Shinko Denshi' and manufactured by M/s Shinko Denshi, No. 3-9-1 1 Yushima Bunkyo-ku, Tokyo 113-0 034, Japan and sold in India without any alteration or additions by M/s Sansui Electronics, No. 89/1-A, Bhawani Peth, Near Ghaseti Pool, Pune-411 042, Maharashtra and which is assigned the approval mark IND/13/06/241;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity ≤ 120 g in respect of verification scale interval $n \leq 12,000$ for $e \geq 0.01$ g for medium accuracy 'accuracy class-II'. It has a tare device with a 100 per cent subtractive retained tare effect. The instrument operates on 6V—9V DC power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms, in terms of its material, accuracy, design, circuit diagram, working principle etc.

[F. No. WM-21(37)/2006]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 19 जून, 2006

का. आ. 2762. —केंद्रीय सरकार कम, विहित अधिकारी द्वारा निदेशलैण्डस पीटिन्सकीयूट (एच एम आई), निदेशलैण्डस द्वारा, अनुमोदन प्रमाण-पत्र उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में चर्चित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केंद्रीय सरकार, उक्त अधिनियम की धारा-कांश (3) के तहतसे परन्तुक और चारा 36 की धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स शिनको डेन्की क. लि. नं. 3-9-11 युशिया बनेकयो-कु टोको 113-0034, जापान द्वारा निर्मित और भारत में मैसर्स सेन्सुकी इलेक्ट्रॉनिक्स, 89/1-ए, प्लॉमी फेड, निया मसेही पुल, पुणे-411 042, महाराष्ट्र, द्वारा बिना किसी परिवर्तन और परिवर्धन के बिक्री किए गए "एच के (आर)-के" मॉडल के अंकक सूचक सहित, अनुमोदित, केवल उपयोग (केवल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम 'शिनको डेन्की' है और जिसे अनुमोदन चिह्न आई एम डी/13/46/242 प्रमाणित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है ;



उक्त मॉडल एक विकृति गेज प्रकार का चार-सेल आधारित अस्थवलिह (टेबल टॉप प्रकार के) सोलन व्यवस्था है। इसकी अधिकतम क्षमता 17 कि.ग्रा. < अधिकतम ≤ 62 कि.ग्रा. या 85,000 कैंट < अधिकतम $\leq 3,10,000$ कैंट है। स्थापन मापमान अंतराल का मान उच्च यथार्थता वर्ग (यथार्थता वर्ग-2) के लिए एन $\leq 62,000$ के लिए ≥ 1 ग्रा. या ≥ 5 कैंट है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। उपकरण 12 वोल्ट डी. सी. विद्युत प्रदाय पर कार्य करता है। उपकरण में द्रव्यमान के आन्तरिक कैलिब्रेशन की सुविधा है।

स्टॉयमिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्ध भी किया जायेगा और माडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्य निष्पादन सिद्धान्त आदि की शर्तों पर कोई परिवर्तन नहीं किया जाएगा।

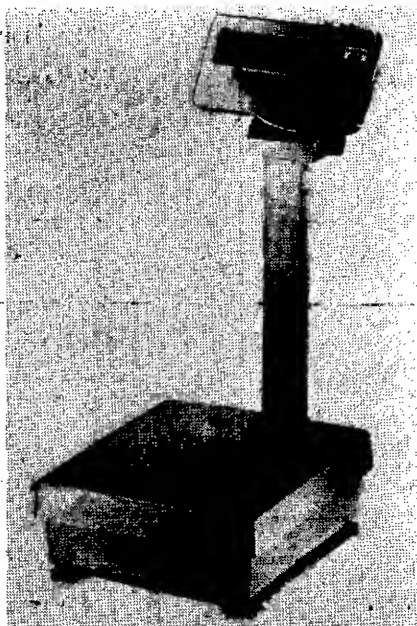
[फा. सं. डब्ल्यू एम-21(37)/2006]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 19th June, 2006

S.O. 2762.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, along with the Model approval certificate issued by the Netherlands Meetinstituut (NMI), Netherlands, is satisfied that the model described in the said report (see the figure given below), is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the non-automatic weighing instrument (table top type) with digital indication of series 'HJ' (R) - K ' with brand name 'Shinko' Denshi' and manufactured by M/s Shinko Denshi, Co. Ltd., No. 3-9-II Yushima Bunkyo-ku, Tokyo 113-0034, Japan and sold in India without any alternation or additions by M/s Sansui Electronics, No. 89/1A, Bhawani Peth, Near Ghaseti Pool, Pune-411 042, Maharashtra and which is assigned the approval mark IND/13/06/242;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table Top type) with a maximum capacity $17\text{kg} \leq \text{Max} \leq 62\text{ kg}$ or $85000\text{ct} \leq \text{Max} \leq 310000\text{ ct}$ in respect of verification scale interval $n \leq 62,000$ for $e \geq 1\text{g}$ or $e \geq .5\text{ct}$ for high accuracy class-II'. It has a tare device with a 100 per cent subtractive retained tare effect. The instrument operates on 12 V DC power supply. The model is having facility of internal calibration mass.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

[F. No. WM-21(37)/2006]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 19 जून, 2006

का. आ. 2763.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा नीदरलैण्ड्स मीटिन्सटीयूट (एन एम आई), नीदरलैण्ड द्वारा, अनुमोदन प्रमाण-पत्र उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह स्मरण हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की उप-धारा (3) के तहत परन्तु और धारा 36 की उप-धारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स शिनको डेन्ही कं. लि. नं. 3-9-11 दृष्टिमा कनकपो-कू टोक्यो 113-0034, जापान द्वारा निर्मित और भारत में मैसर्स सेन्सुयी इलेक्ट्रॉनिक्स, 89/1-ए, भवानी पेट, निम्बर घसेटी पूल, पुणे-411 042, महाराष्ट्र, द्वारा बिना किसी परिवर्तन और परिवर्धन के बिक्री किए गए "एच जे (आर)-सी ई" शृंखला के अंकक सूचन सहित, अस्वचालित, तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम 'शिनको डेन्ही' है और जिसे अनुमोदन दि. अ. एन डी/13/06/243 सम्मतिद्वारा किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक ट्यूनिंग फोर्क तकनीक आधारित अस्वचालित (टेबल टॉप प्रकार के) तोलन उपकरण है। इसकी अधिकतम क्षमता 1.2 कि.ग्रा.—15 कि.ग्रा. है। सत्यापन मापमान अंतराल का मान उच्च यथार्थता वर्ग (यथार्थता वर्ग-II) के लिए एन $\leq 42,000$ के लिए ≥ 0.1 ग्रा. या अधिकतम क्षमता 6000 कैरट 75,000 कैरट के लिए सत्यापन मापमान अंतराल का मान एन $\leq 31,000$ के लिए ≥ 1 कैरट है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवहारात्मक धारित आधेयतुलन प्रभाव है। उपकरण 12.वोल्ट डी. सी. विद्युत प्रदाय पर कार्य करता है। उपकरण में द्रव्यमान के आन्तरिक कैलिब्रेशन की सुविधा है।

स्टॉम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कष्टपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्ध भी किया जायेगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्य निष्पादन सिद्धान्त आदि की शर्तों पर कोई परिवर्तन नहीं किया जाएगा।

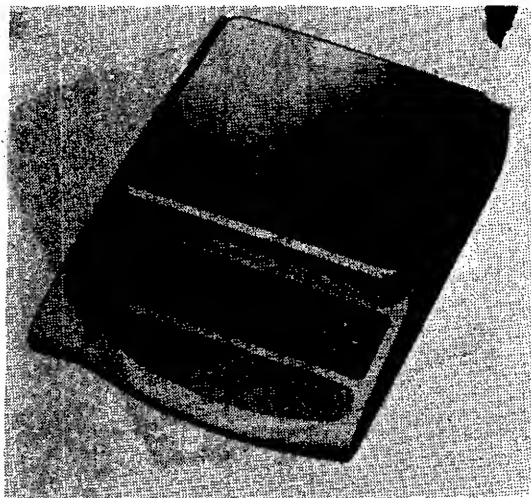
[का. आ. 2763-एम-21(37)/2006]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 19th June, 2006

S.O. 2763 .—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, along with the Model approval certificate issued by the Netherlands Meetinstituut (NMI), Netherlands, is satisfied that the model described in the said report (see the figure given below), is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval) of Models Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the non-automatic weighing instrument (table top type) with digital indication of series 'HJ' (R) -CE ' with brand name 'Shinko Denshi' and manufactured by M/s Shinko Denshi, Co. Ltd., No. 3-9-11 Yushima Bunkyo-ku, Tokyo 113-0034; Japan and sold in India without any alteration or additions by M/s Sansui Electronics, No. 89/1A, Bhawani Peth, Near Ghaseti Pool, Pune-411 042, Maharashtra and which is assigned the approval mark IND/13/06/243;



The said model is a Tuning-Fork technology based non-automatic weighing instrument (Table Top type) with a maximum capacity 1.2 kg—15 kg in respect of verification scale interval $n \leq 42000$ for $e \geq 0.1g$ or with a maximum capacity 6000ct—75000ct in respect of verification scale interval $n \leq 31000$ for $e = 1$ ct, for high accuracy 'accuracy class-II'. It has a tare device with a 100 percent subtractive retained tare effect. The instrument operates on 12 V DC power supply. The model is having facility of internal calibration mass.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

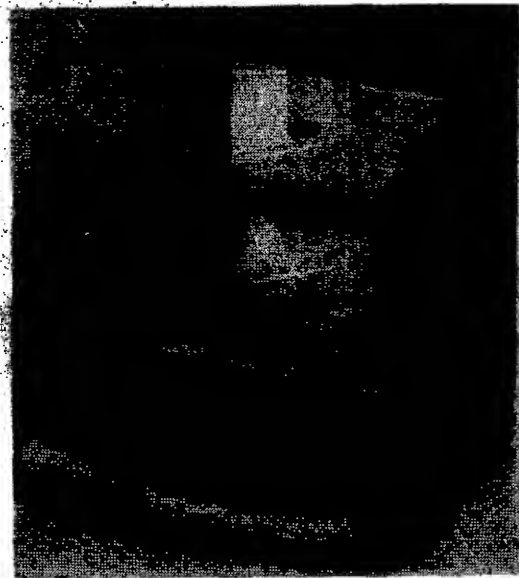
[F. No. WM-21(37)/2006]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 19 जून, 2006

का. आ. 2764.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा नीदरलैण्ड्स मीटिङ्ग्स्टीयूट (एन एम आई), नीदरलैण्ड द्वारा, अनुमोदन प्रमाण-पत्र उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की उप-धारा (3) के तीसरे परन्तुक और धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स शिनको डेन्शी कं. लि. नं. 3-9-11 यूरिमा बनकयो-कू, टोक्यो 113-0034, जापान द्वारा निर्मित और भारत में मैसर्स सेन्सुयी इलैक्ट्रॉनिक्स, 89/1-ए, भवानी पेठ, नियर घसेटी पुल, पुणे-411 042, महाराष्ट्र, द्वारा बिना किसी परिवर्तन और परिवर्धन के बिक्री किए गए "एच जे (आर)-...सी ई" शृंखला के अंकक सूचन सहित, अस्वचालित, तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम 'शिनको डेन्शी' है और जिसे अनुमोदन चिह्न आई एन डी/13/06/244 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक ट्यूनिंग फोर्क तकनीक आधारित अस्वचालित (टेबल टॉप प्रकार के) तोलन उपकरण है। इसकी अधिकतम क्षमता 6200 ग्रा. है। स्थापन मापमान अन्तराल का मान स्पेशल यथार्थता वर्ग (यथार्थता वर्ग-I) के लिए एन $\leq 62,000$ के लिए ई ≥ 0.1 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। उपकरण 12 वोल्ट डी. सी. विद्युत प्रदाय पर कार्य करता है। उपकरण में द्रव्यमान के आन्तरिक कैलिब्रेशन की सुविधा है।

स्टैम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्य निष्पादन सिद्धान्त आदि की शर्तों पर कोई परिवर्तन नहीं किया जाएगा।

[फा. सं. डब्ल्यू एम-21(37)/2006]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 19th June, 2006

S.O. 2764.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, along with the Model approval certificate issued by the Netherlands Meetinstituut (NMI), Netherlands, is satisfied that the model described in the said report (see the figure given below), is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the non-automatic weighing instrument (table top type) with digital indication of series 'HJ' (R) -..CE' with brand name 'Shinko Denshi' and manufactured by M/s Shinko Denshi Co. Ltd., No. 3-9-11 Yushima Bunkyo-ku, Tokyo 113-0034, Japan and sold in India without any alteration or additions by M/s. Sansui Electronics, No. 89/1A, Bhawani Peth, Near Ghaseti Pool, Pune-411 042, Maharashtra and which is assigned the approval mark IND/13/06/244;



The said model is a Tuning-Fork technology based non-automatic weighing instrument (Table Top type) with a maximum capacity 6200 g in respect of verification scale interval $n \leq 62000$ for $e \geq 0.1g$ for Special accuracy 'accuracy class-I'. It has a tare device with a 100 percent subtractive retained tare effect. The instrument operates on 12 V DC power supply. The model is having facility of internal calibration mass.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

[F. No. WM-21(37)/2006]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 19 जून, 2006

का. आ. 2765.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा नीदरलैण्ड्स मीटिन्सटीयूट (एन एम आई), नीदरलैण्ड्स द्वारा, अनुमोदन प्रमाण-पत्र उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की उपधारा (3) के तौसरे परन्तुक और धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स शिनको डेन्शी कं. लि., नं. 3-9-11 यूशिमा बनकयो-कू, टोक्यो 113-0034, जापान द्वारा निर्मित और भारत में मैसर्स सेन्सुयी इलैक्ट्रॉनिक्स, 89/1-ए, भवानी पेठ, नियर घसेटी पूल, पुणे-411 042, महाराष्ट्र, द्वारा बिना किसी परिवर्तन और परिवध 'न के बिक्री किए गए "ए जे (एच), ए जे" (कैरेट के लिए), "एस जे, या एस जे पी" शृंखला के अंकक सूचन सहित, अस्वचालित, तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम 'शिनको डेन्शी' है और जिसे अनुमोदन चिह्न आई एन डी/13/06/245 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक ट्यूनिंग फोर्क तकनीक आधारित अस्वचालित (टेबल टॉप प्रकार के) तोलन उपकरण है। इसकी अधिकतम क्षमता 500 ग्रा. \leq अधिकतम \leq 6200 ग्रा. या 2500 कैरेट \leq अधिकतम \leq 31,000 कैरेट है। सत्यापन मापमान अन्तराल का मान स्पेशल यथार्थता वर्ग (यथार्थता वर्ग-1) के लिए एन \leq 82,000 के लिए ई \geq 0.1 ग्रा. या ई \geq 0.1 कैरेट है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। उपकरण 12 वोल्ट डी. सी. विद्युत प्रदाय पर पर कार्य करता है। उपकरण में द्रव्यमान के आन्तरिक कैलिब्रेशन की सुविधा है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जायेगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्य निष्पादन सिद्धान्त आदि की शर्तों पर कोई परिवर्तन नहीं किया जाएगा।

[फा. सं. डब्ल्यू एम-21(37)/2006]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 19th June, 2006

S.O. 2765 .—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, along with the Model approval certificate issued by the Netherlands Meetinstituut (NMI), Netherlands, is satisfied that the model described in the said report (see the figure given below), is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the non-automatic weighing instrument (table top type) with digital indication of series 'AJ (H), AJ' for Carat (CT), 'SJ or SJP' with brand name 'Shinko Denshi' and manufactured by M/s Shinko Denshi Co. Ltd., No. 3-9-11 Yushima Bunkyo-ku, Tokyo 113—0034, Japan and sold in India without any alteration or additions by M/s. Sansui Electronics, No. 89/1A, Bhawani Peth, Near Ghaseti Pool, Pune-411 042, Maharashtra and which is assigned the approval mark IND/13/06/245;



The said model is a Tuning-Fork technology based non-automatic weighing instrument (Table Top type) with a maximum capacity $500\text{g} \leq \text{Max} \leq 6200\text{g}$ or $2500\text{ ct} \leq \text{Max} \leq 31000\text{ ct}$ in respect of verification scale interval $n \leq 82000$ for $e \geq 0.01\text{g}$ or $e \geq 0.1\text{ct}$, for special accuracy 'accuracy class-I'. It has a tare device with a 100 per cent subtractive retained tare effect. The instrument operates on 12V DC power supply. The model is having facility of internal calibration mass.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

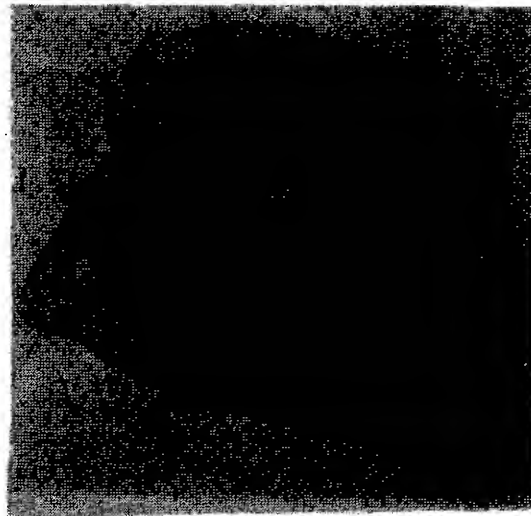
[F. No. WM-21(37)/2006]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 19 जून, 2006

का. अ. 2766.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा नीदरलैण्ड्स मीट्रिक्सटीयूट (एन एम आई), नीदरलैण्ड्स द्वारा, अनुमोदन प्रमाण-पत्र उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की उपधारा (3) के तहत परन्तु और धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स शिमको डेन्की कं. लि., नं. : 3-9-11 यूसिमा बनकयो-कू, टोक्यो 113-0034, जापान द्वारा निर्मित और भारत में मैसर्स सेन्सुयी इलैक्ट्रॉनिक्स, 89/1-ए, भवानी प्रेट, नियर चसेटी पूल, पुणे-411 042, महाराष्ट्र, द्वारा बिना किसी परिवर्तन और परिवर्धन के बिक्री किए गए "ए जे (एच), ए जे" "(कैस्ट के लिए) "एस जे, या एस जे पी" मूल्यता के अंकक सूचन सहित, अस्वचालित, तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम 'शिमको डेन्की' है और जिसे अनुमोदन क्रि. अ. 13/13/06/246 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक टयूनिंग फोर्क तकनीक आधारित अस्वचालित (टेबल टॉप प्रकार के) तोलन उपकरण है। इसकी अधिकतम क्षमता 50 ग्रा. \leq अधिकतम \leq 12 कि. ग्रा. या 250 कैरट \leq अधिकतम \leq 60,000 कैरट है। सत्यापन मापमान अन्तराल का मान उच्च यथार्थता वर्ग (यथार्थता वर्ग-II) के लिए एन \leq 42,000 के लिए ई \geq 0.01 ग्रा. या ई \geq 0.1 कैरट है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। उपकरण 12 वोल्ट डी. सी. विद्युत प्रदाय पर कार्य करता है। उपकरण में द्रव्यमान के आन्तरिक कैलिब्रेशन की सुविधा है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्ध भी किया जायेगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्य निष्पादन सिद्धान्त आदि की शर्तों पर कोई परिवर्तन नहीं किया जाएगा।

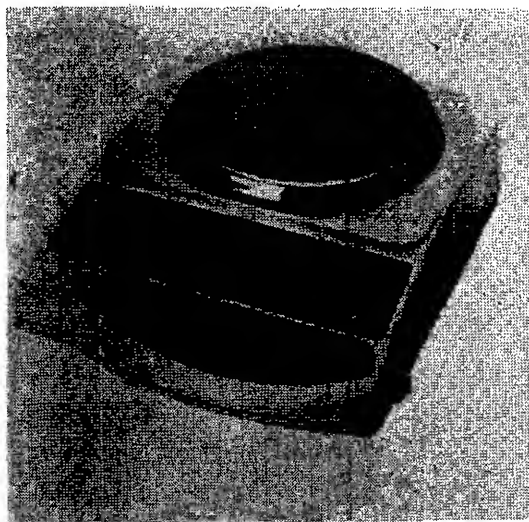
[फा. सं. डब्ल्यू एम-21(37)/2006]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 19th June, 2006

S.O. 2766 .—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, along with the Model approval certificate issued by the Netherlands Meetinstituut (NMI), Netherlands, is satisfied that the model described in the said report (see the figure given below), is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the non-automatic weighing instrument (table top type) with digital indication of series 'AJ (H), AJ' for carat (CT) 'SJ or SJP' with brand name 'Shinko Denshi' and manufactured by M/s Shinko Denshi Co. Ltd., No. 3-9-11 Yushima Bunkyo-ku, Tokyo 113—0034, Japan and sold in India without any alteration or additions by M/s Sansui Electronics, No. 89/1A, Bhawani Peth, Near Ghaseti Pool, Pune-411 042, Maharashtra and which is assigned the approval mark IND/13/06/246;



The said model is a Tuning-Fork technology based non-automatic weighing instrument (Table Top type) with a maximum capacity $50\text{g} \leq \text{Max} \leq 12\text{ kg}$ or $250\text{ ct} \leq \text{Max} \leq 60,000\text{ ct}$. in respect of verification scale interval $n \leq 42,000$ for $e \geq 0.1\text{g}$ or $e \geq 0.1\text{ ct}$, for high accuracy 'accuracy class-II'. It has a tare device with a 100 per cent subtractive retained tare effect. The instrument operates on 12 V DC power supply. The model is having facility of internal calibration mass.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

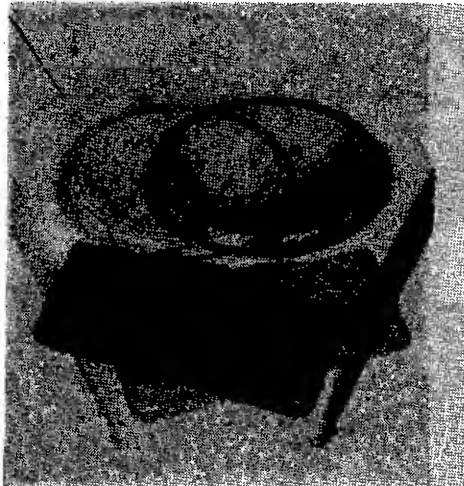
[F. No. WM-21(37)/2006]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 19 जून, 2006

का. आ. 2767.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा नोटिफिकेशन (एन एम आई), नोटिफिकेशन द्वारा, अनुमोदन प्रमाण-पत्र उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की उपधारा (3) के तिसरे परन्तुक और धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स शिनको इन्स्टी कं. लि. नं. : 3-9-11 यूनिट बसकपो-कू. टेबल 113-0034, जम्मात्र द्वारा निर्मित और भारत में मैसर्स सेन्सुयी इलेक्ट्रॉनिक्स, 89/1-ए, मकानी पेठ, नियर भसेटी पुल, पुणे-411 042, महाराष्ट्र, द्वारा बिना किसी परिवर्तन और परिवर्धन के विक्री किए गए "डी जे (एच)" शृंखला के अंकक सूचन सहित, अस्वचालित, तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "शिनको इन्स्टी" है और जिसे अनुमोदन दिहा आई एन डी/13/2006/247 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक ट्यूनिंग फोर्क तकनीक आधारित अस्वचालित (टेबल टॉप प्रकार के) तोलन उपकरण है। इसकी अधिकतम क्षमता 150 ग्र. अधिकतम ≤ 6000 ग्र. या 750 कैरट \leq अधिकतम $\leq 30,000$ कैरट है। सत्यापन मापमान अन्तराल का मान उच्च यथार्थता वर्ग (यथार्थता वर्ग-II) के लिए एन $\leq 30,000$ के लिए ई ≥ 0.01 ग्र. या ई ≥ 0.05 कैरट है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। उपकरण 12 वोल्ट डी. सी. विद्युत प्रदाय पर पर कार्य करता है। उपकरण में द्रव्यमान के आन्तरिक कैलिब्रेशन की सुविधा है।

स्टाम्पिंग प्लेट के मुद्रांकित के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए मशीन खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और माडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्य निष्पादन सिद्धान्त आदि की शर्तों पर कोई परिवर्तन नहीं किया जाएगा।

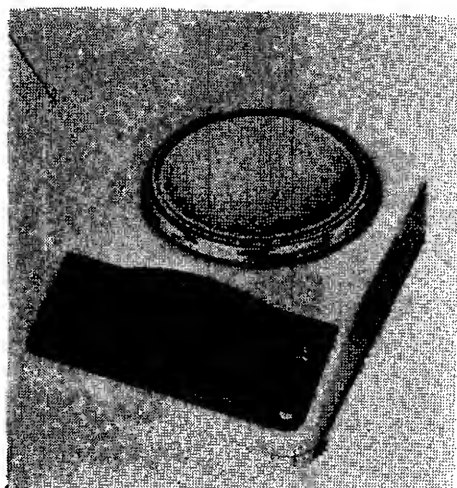
[फ. नं. डी. एम-21(37)/2006]

पी. ए. कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 19th June, 2006

S.O. 2767.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, along with the Model approval certificate issued by the Netherlands Meetinstituut (NMI), Netherlands, is satisfied that the model described in the said report (see the figure given below, is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the non-automatic weighing instrument (Table top type) with digital indication of series 'DJ(H)' with brand name "Shinko Denshi" and manufactured by M/s. Shinko Denshi Co. Ltd., No. 3-9-11 Yushima Bunkyo-ku, Tokyo 113-0034, Japan and sold in India without any alteration or additions by M/s. Sansui Electronics, No. 89/1-A, Bhawani Peth, Near Ghaseti Pool, Pune-411 042, Maharashtra and which is assigned the approval mark IND/13/2006/247;



The said model is a Tuning Fork technology based non-automatic weighing instrument (Table top type) with a maximum capacity $150\text{g} \leq \text{Max} \leq 6000\text{g}$ or $750\text{ct} \leq \text{Max} \leq 30,000\text{ct}$ in respect of verification scale interval $n \leq 30000$ for $e \geq 0.01\text{g}$ or $e \geq 0.05\text{ct}$, for high accuracy 'accuracy class-II'. It has a tare device with a 100 per cent subtractive retained tare effect. The instrument operates on 12V DC power supply. The model is having facility of internal calibration mass.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy design, circuit diagram, working principle etc.

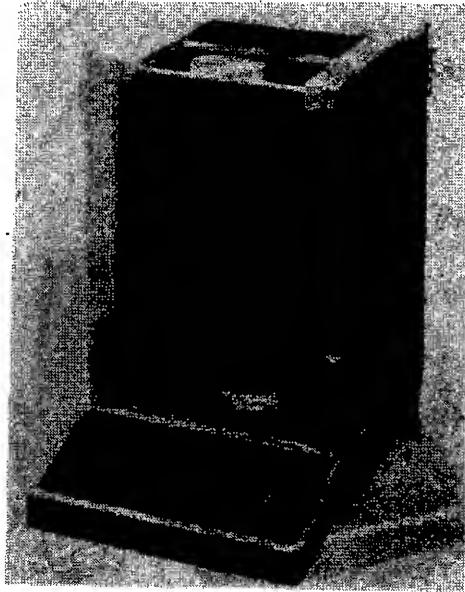
[F. No. WM-21(37)/2006]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 19 जून, 2006

का. आ. 2768.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा नीदरलैण्ड्स मीटिङ्ग-सटीयूट (एन एम आई), नीदरलैण्ड्स द्वारा, अनुमोदन प्रमाण-पत्र उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केंद्रीय सरकार, उक्त अधिनियम की उपधारा (3) के तीसरे परन्तुक और धारा 36 की उप-धारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स शिनको डेन्शी कं. लि. नं. : 3-9-11 यूशिमा बनकयो-कू टोक्यो 113-0034, जापान द्वारा निर्मित और भारत में मैसर्स सेम्मुची इलेक्ट्रानिक्स, 89/1ए, भवानी पेठ, नियर घसेटी पुल, पुणे-411 042, महाराष्ट्र, द्वारा बिना किसी परिवर्तन और परिवर्धन के बिक्री किए गए “ए एफ” शृंखला के अंकक सूचन सहित, अस्वचालित, तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “शिनको डेन्शी” है और जिसे अनुमोदन चिह्न आई एन डी/13/2006/248 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक ट्यूनिंग फोर्क तकनीक आधारित अस्वचालित (टेबल टॉप प्रकार के) तोलन उपकरण है। इसकी अधिकतम क्षमता 120 ग्रा. \leq अधिकतम $\leq 220 \leq 600$ कैरट \leq अधिकतम $\leq 11,00$ कैरट है। सत्यापन मापमान अन्तराल का मान स्पेशल यथार्थता वर्ग (यथार्थता वर्ग-1) के लिए एन $\leq 2,20,000$ के लिए ई \geq मि. ग्रा. या ई ≥ 0.01 कैरट है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। उपकरण 9 वोल्ट डी. सी. विद्युत प्रदाय पर कार्य करता है। उपकरण में द्रव्यमान के आन्तरिक कैलिब्रेशन की सुविधा है;

स्टैम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्य निष्पादन सिद्धान्त आदि की शर्तों पर कोई परिवर्तन नहीं किया जाएगा।

[फा. सं. डब्ल्यू एम-21(37)/2006]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 19th June, 2006

S.O. 2768.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, along with the Model approval certificate issued by the Netherlands Meetinstituut (NMI), Netherlands, satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of the non-automatic weighing instrument (Table top type) with digital indication of series 'AF' with brand name "Shinko Denshi" and manufactured by M/s. Shinko Denshi Co. Ltd., No. 3-9-11 Yushima Bunkyo-ku, Tokyo 113-0034, Japan and sold in India without any alteration or additions by M/s. Sansui Electronics, No. 89/1-A, Bhawani Peth, Near Ghaseti Pool, Pune-411 042, Maharashtra and which is assigned the approval mark IND/13/2006/248;



The said Model is a Tuning Fork technology based non-automatic weighing instrument (Table top type) with a maximum capacity $120\text{g} \leq \text{Max} \leq 220\text{g}$ or $600\text{ct} \leq \text{Max} \leq 11,00\text{ct}$ in respect of verification scale interval $n \leq 2,20,000$ for $e \geq 1\text{mg}$ or $e \geq 0.01\text{ct}$, for special accuracy 'accuracy class-1'. It has a tare device with a 100 per cent subtractive retained tare effect. The instrument operates on 9V DC power supply. The Model is having facility of internal calibration mass.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and Model shall not be changed in terms of its material, accuracy design, circuit diagram, working principle etc.

[F. No. WM-21(37)/2006]

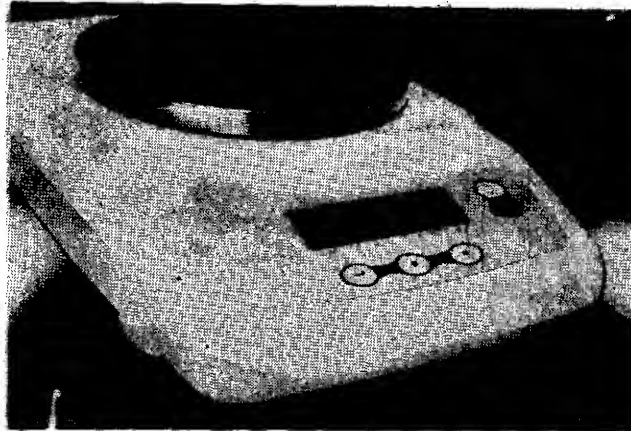
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 19 जून, 2006

का. आ. 2769.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स स्कैलटेक इंस्ट्रुमेंट्स एण्ड सर्विसेस प्रा. लि., # 246, अंगप्पा नाइचेन स्ट्रीट, पहली मंजिल, इराबालु स्ट्रीट के सामने, पारिस, चेन्नई-600001, तमिलनाडु द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग-II) वाले "मार्क" शृंखला के अंकक सूचन सहित अस्वचालित, तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "स्कैलटेक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2006/13 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;

उक्त माडल एक इलैक्ट्रो मेगनेटिक बल कम्पेनसेशन सिद्धान्त आधारित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) है इसकी अधिकतम क्षमता 800 ग्रा. है और न्यूनतम क्षमता 200 मि. ग्रा. है। सत्यापन मापमान अंतराल (ई) 10 मि. ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से-जिससे उक्त अनुमोदित माडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि. ग्राम के "ई" मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्राम या उससे अधिक के "ई" मान के लिए 5000 से 50000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 किलोग्राम तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

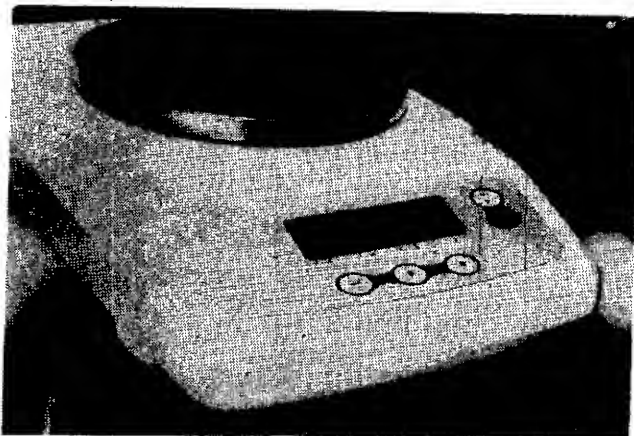
[फा. सं. डब्ल्यू एम-21(267)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

S.O. 2769.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Models described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over period of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of Model of non-automatic weighing instrument (Table top type) with digital indication belonging to high accuracy (Accuracy class-II) of 'MARK' series with brand name "BELL" (herein referred to as the said model), manufactured by M/s. Scaletech Instruments & Services Pvt. Ltd., # 246, Angappa Naicken Street, 1st Floor, Facing Errabalu Street, Parrys, Chennai-600 001, Tamil Nadu and which is assigned the approval mark IND/09/2006/13;

The said model is an electro-magnetic force compensation principle based non-automatic weighing instrument (Table top type). Its maximum capacity is 800g and minimum capacity 200mg. The value of verification scale interval (e) is 10mg. It has a tare device with a 100 percent subtractive retained tare effect. The Vacuum Florescent Display (VFD) indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.



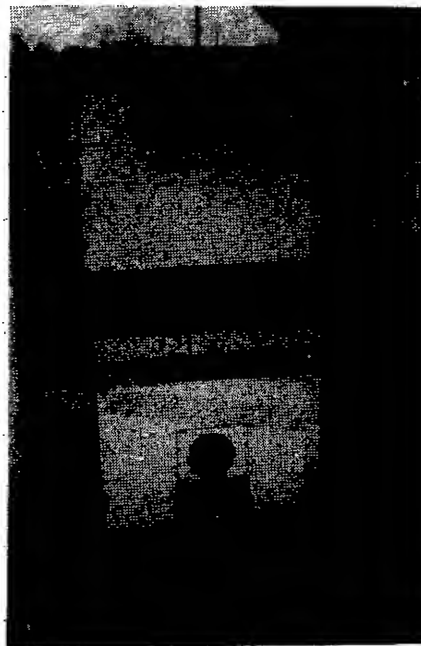
Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50kg with verification scale interval(n) in the range 100 to 50,000 for 'e' value of 1mg to 50 mg and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(267)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

का. आ. 2770.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स भारत पम्प, बी-61, जी आई डी सी इलेक्ट्रॉनिक्स इस्टेट, सेक्टर-25, गांधीनगर-382044, गुजरात द्वारा विनिर्मित इलेक्ट्रॉनिक डिस्पेंसिंग पम्प में अंकक सूचक सहित मकैनिकल डिस्पेंसिंग पम्प के कंवर्सन के मॉडल का, जिसके ब्रांड का नाम "स्मार्ट पम्प" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2006/06 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;



उक्त मॉडल अंकक प्रदर्श सहित डिस्पेंसिंग पम्प के बीच कंवर्सन किट के लिए कंवर्टिंग मकैनिकल एनालॉग डिस्पेंसिंग पम्प का है, जिसमें पाजिटिव डिस्पलेसमेंट मीटर लगा है। इसकी अधिकतम क्षमता 99.99 लीटर और न्यूनतम क्षमता 10 मि.ली. है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबन्द किया जाएगा और मॉडल को इसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, वर्किंग सिद्धान्त आदि के रूप में कोई परिवर्तन न किया जा सके।

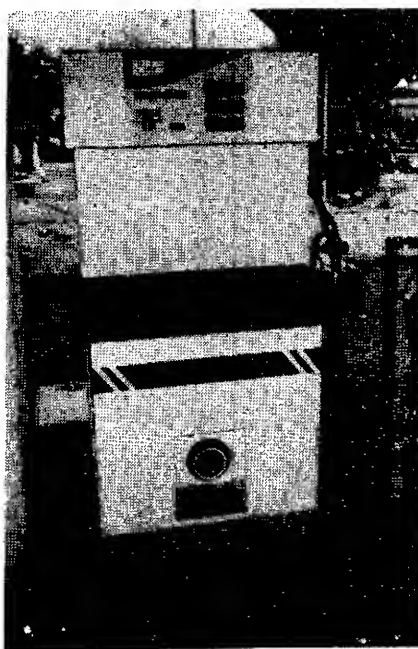
[फा. सं. डब्ल्यू एम-21(74)/2000]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 19th June, 2006

S.O. 2770.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of Model of Conversion of Mechanical Dispensing Pump into Electronic Dispensing Pump digital indication (herein referred to as said Model), with brand name "SMART PUMP", manufactured by M/s. Bharat Pumps, B-61, GIDC, Electronic Estate, Sector-25, Gandhi Nagar-382 044, Gujarat and which is assigned the approval mark IND/09/2006/06;



The said Model is a conversion kit for converting mechanical analogue dispensing pump into dispensing pump with digital display having a positive displacement meter. Its maximum Capacity is 99.99 litre and smallest division is 10 ml. The instrument operates on 230 Volts, 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and Model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

[F. No. WM-21(74)/2000]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 22 जून, 2006

का. आ. 2771.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स वमेन्दु, ए-54, जी आई डी सी इलेक्ट्रॉनिक इस्टेट, गांधी नगर-382028, द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "वी-5000" श्रृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म मशीन के लिए कंवर्जन किट) के माडल का, जिसके ब्रांड का नाम "वमेन्दु" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/61 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;

उक्त माडल (नीचे दी गई आकृति देखें) विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म मशीन के लिए कंवर्जन किट) है। इसकी अधिकतम क्षमता 500 कि. ग्रा. और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषण करती है कि उक्त माडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि. ग्रा. से अधिक और 1000 कि. ग्रा. की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(280)/2003]

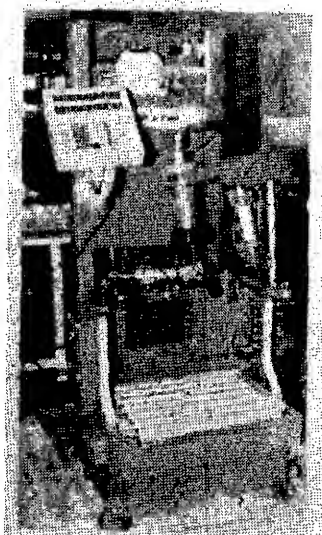
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd June, 2006

S.O. 2771.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Conversion kit for Platform machine) with digital indication of “V5000” series of medium accuracy (Accuracy class-III) and with brand name “Vamendu” (hereinafter referred to as the said model), manufactured by M/s. Vamendu, A-54, G.I.D.C. Electronic Estate, Gandhi Nagar-382 028 and which is assigned the approval mark IND/09/2005/61;

The said model (see the figure given below) is a strain gauge type load cell based non-automatic weighing instrument (Conversion kit for Platform machine) with a maximum capacity of 500 kg. and minimum capacity of 2 kg. The verification scale interval (e) is 100 g. It has a tare device with a 100 per-cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.



In addition to sealing the stamping plate, sealing is done to prevent the opening the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity above 50 kg. and up to 1000 kg. with number of verification scale interval (n) in the range of 500 to 10,000 for ‘e’ value of 5g. or more and with ‘e’ value 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(280)/2003]

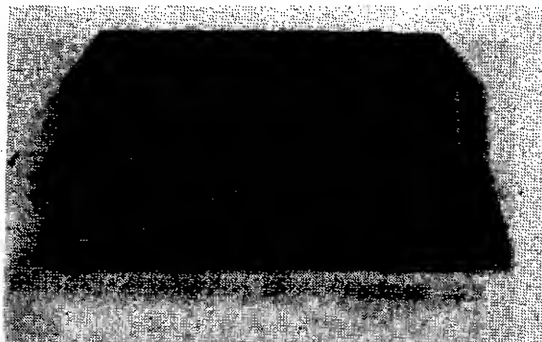
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 22 जून, 2006

का. आ. 2772.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स बीटा इंजीनियरिंग वर्क्स, 42/250, विजय नगर फ्लैट, विजय नगर चार रास्ता, नारनपुरा, अहमदाबाद-382013 गुजरात, द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग II) वाले "बी ई-40टी" शृंखला के अंकक सूचक सहित अस्वचालित तोलन उपकरण (वेब्रिज) के मॉडल का, जिसके ब्रांड का नाम "बीटा" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/10 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;

उक्त मॉडल विकृति गेज प्रकार भार सेल आधारित अस्वचालित (वेब्रिज प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 40,000 कि.ग्रा. और न्यूनतम क्षमता 100 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 कि. ग्रा. है। यह मशीन यथार्थता वर्ग II वाली है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषण करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 कि. ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान (एन) अंतराल सहित 5 टन से 100 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(332)/2002]

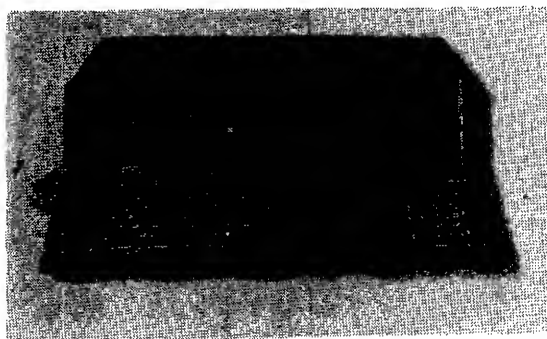
पी. ए. कुमाराप्पन् विवेकानंद मिशन

New Delhi, the 22nd June, 2006

S.O. 2772.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (weighbridge type) with digital indication belonging to medium accuracy (Accuracy class III) of "BE-40T" series with brand name "BETA" (herein referred to as the said model), manufactured by M/s. Beta Engineering Work, 42/250, Vijai Nagar Flat, Vijai Nagar Char Rasta, Naranpura, Ahmedabad-382013, Gujarat and which is assigned the approval mark IND/09/05/10;

The said model (see the figure given below) is a strain gauge type load cell based non-automatic weighing instrument (weighbridge type) with a maximum capacity of 40,000 kg. and minimum capacity of 100 kg. The verification scale interval (e) is 5kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50Hertz alternative current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 100 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5kg. or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(332)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 22 जून, 2006

का. आ. 2773.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केंद्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स मैकी इनक, 230, प्रथम तल, 6वां मुख्य, चतुर्थ स्ट्रेज, इण्डस्ट्रीयल हाउस, राजाजीनगर, बंगलौर-560044 द्वारा निर्मित मध्यम व्यापकता (व्यापकता वर्ग-III) वाले "बी आई-टीटी" मूखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "ट्राइडेंट" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन दिनांक आई एन डी/09/05/497 समुद्रेरित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;

उक्त मॉडल विकृति गेज भार सेल आधारित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार का) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 ग्रा. है। इसमें एक आधेकतुलन युक्ति है जिसका रात प्रतिरात व्यवकलात्मक धारित आधेकतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्वॉयंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कवचपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केंद्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत इसी विनिर्दिष्ट द्वारा इसी निष्कर्ष, डिजाइन के अनुसार और इसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्दिष्ट इसी मूखला के जैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 कि.ग्रा. से 2 ग्रा. तक "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-5} , 2×10^{-5} या 5×10^{-5} के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या दशम के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(158)/2005]

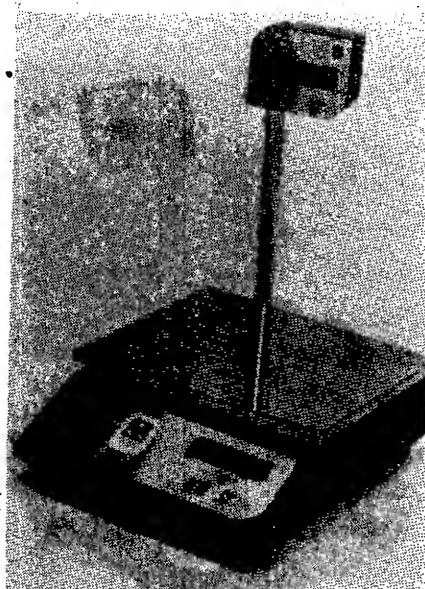
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd June, 2006

S.O. 2773.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic (Table top type) weighing instrument with digital indication of series “B1-TT” of medium accuracy (accuracy class-III) and with brand name “TRIDENT” manufactured by M/s Benki Inc., #230, 1st Floor, 6th Main, 4th Stage, Industrial Town, Rajajinagar, Bangalore-560044 and which is assigned the approval mark IND/09/05/497;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg and minimum capacity of 100g. The verification scale interval (e) is 5 g. It has a tare device with 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent from the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (n) in the range of 100 to 10,000 for ‘e’ value of 100mg to 2g or with verification scale interval (n) in the range of 500 to 10,000 for ‘e’ value of 5g or more and with ‘e’ value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(158)/2005]

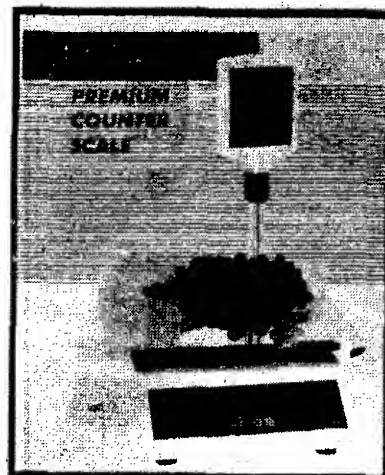
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 23 जून, 2006

का.आ. 2774.-केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स ड्यूरैल डिजी वीग सिस्टम, समन्वय काम्प्लेक्स, घोषा सर्कल, घोषा रोड, भावनगर, गुजरात द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "डी जे टी टी" श्रृंखला के स्वतः सूचक, अस्वचालित, अंकक सूचन सहित, तोलन उपकरण (टेबल टोप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "ड्यूरैल डिजी" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/430 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;

उक्त मॉडल विकृति गेज प्रकार का लोड सेल आधारित (टेबल टोप प्रकार का) अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 11 कि.ग्रा. और न्यूनतम क्षमता 50 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 1 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट को मुद्रांकन करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबंद भी की जाएगी।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि.ग्रा. तक "ई" मान के लिए 100 से 5000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5,000 से 50,000 तक की रेंज में मापमान (एन) अंतराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(47)/2002]

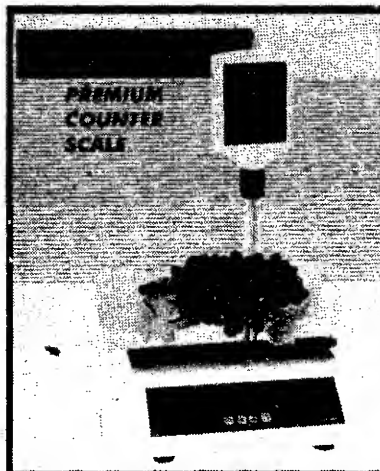
पी. ए. कृष्णामूर्ति, निदेशक, विधिक. माप विज्ञान

New Delhi, the 23rd June, 2006

S.O. 2774.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) with digital indication of "DJTT" series of high accuracy (Accuracy class-II) and with brand name "DURELL DIGI" (hereinafter referred to as the said model), manufactured by M/s. Durell Digi Weighing System, Samanvay Complex, Ghogha Circle, Ghogha Road, Bhavnagar, Gujarat and which is assigned the approval mark IND/09/2004/430;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 11 kg. and minimum capacity of 50g. The verification scale interval (e) is 1g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.



In addition to sealing the stamping plate sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, and performance of same series with maximum capacity up to 50 kg. and with number of verification scale interval (n) in the range of 100 to 5000 for 'e' value of 1mg. to 50mg. and with number of verification scale interval (n) in the range of 5,000 to 50,000 for 'e' value of 100mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principles, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(47)/2002]

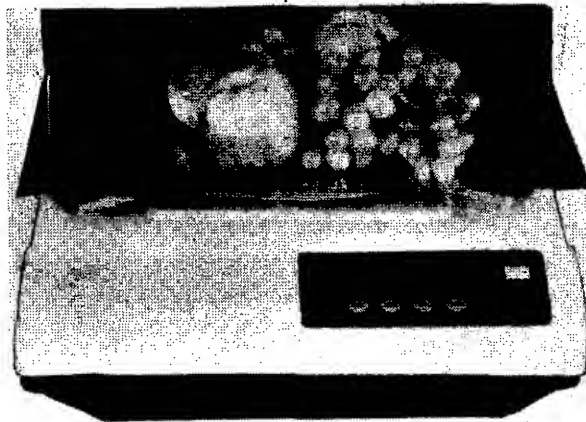
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 23 जून, 2006

का. आ. 2775.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स ड्युरेल डिजी, वेईंग सिस्टम, समन्वय काम्प्लेक्स, घोघा सर्कल घोघा रोड, भावनगर, गुजरात द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "डी जे टी" शृंखला के स्वतः सूचक अस्वचालित, अंकक सूचन सहित, तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "ड्युरेल डिजी" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/431 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल विकृति गेज प्रकार का लोड सेल आधारित (टेबल टॉप प्रकार का) अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट के मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबन्द भी की जाएगी।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में मापमान (एन) अंतराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-3} , 2×10^{-3} या 5×10^{-3} के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

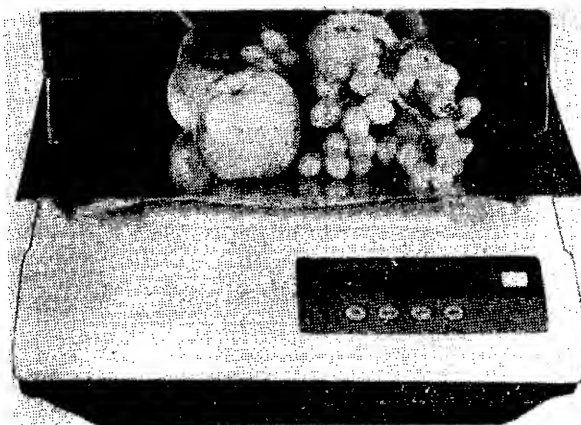
[फा. सं. डब्ल्यू एम-21(47)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 23rd June, 2006

S.O. 2775.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic (Table top type) weighing instrument with digital indication of medium “DJTT” series of medium accuracy (Accuracy class-III) and with brand name “DURELL DIGI” (herein referred to as the said model), manufactured by M/s. DURELL DIGI Weighing System, Samanvay Complex, Ghogha Circle, Ghogha Road, Bhavnagar, Gujarat and which is assigned the approval mark IND/09/2004/431;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. with verification scale interval (n) in the range of 100 to 10,000 for ‘e’ value of 100mg. to 2g. or with verification scale interval (n) in the range of 500 to 10,000 for ‘e’ value of 5g. or more and with ‘e’ value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

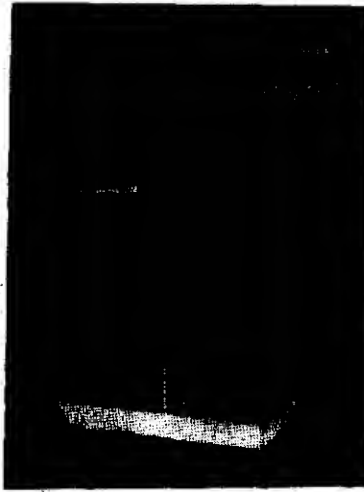
[F. No. WM-21(47)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 23 जून, 2006

का. आ. 2776.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केंद्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स ड्यूरैल डिजी वेईंग सिस्टम, समन्वय काम्प्लेक्स, घोघा सर्कल, घोघा रोड, भावनगर गुजरात द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "डी जे पी एफ" शृंखला के स्वतः सूचक अस्वचालित, अंकक सूचन सहित, तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "ड्यूरैल डिजी" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/432 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का लोड सेल आधारित (प्लेटफार्म प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 110 कि.ग्रा. और न्यूनतम क्षमता 500 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 10 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टैम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबन्द भी की जाएगी।

और, केंद्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में मापमान (एन) अंतराल सहित 50 कि.ग्रा. से अधिक और 300 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

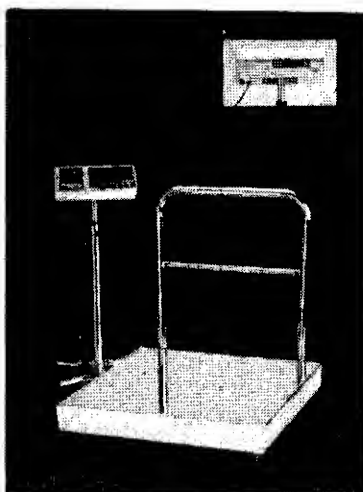
[फा. सं. डब्ल्यू एम-21(47)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 23rd June, 2006

S.O. 2776.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic (Platform type) weighing instrument with digital indication of "DJPF" series of high accuracy (Accuracy class-II) and with brand name "DURELL DIGI" (herein referred to as the said model), manufactured by M/s. DURELL DIGI Weighing System, Samanvay Complex, Ghogha Circle, Ghogha Road, Bhavnagar, Gujarat and which is assigned the approval mark IND/09/2004/432;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 110kg. and minimum capacity of 500g. The verification scale interval (e) is 10g. It has a tare device with 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. and up to 300kg. with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(47)/2002]

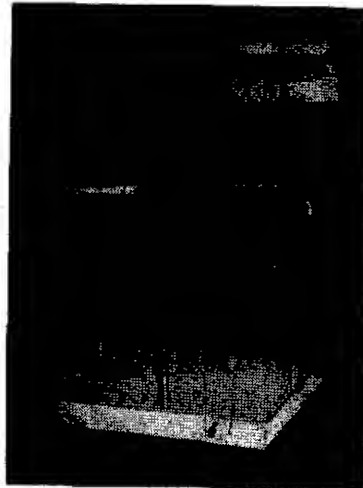
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 23 जून, 2006

का. आ. 2777.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अंतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स ड्यूरैल डिजी वेईंग सिस्टम, समन्वय काम्प्लेक्स, घोषा सर्कल, घोषा रोड, भावनगर, गुजरात द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “डी जे पी एफ” शृंखला के स्वतः सूचक, अस्वचालित, अंकक सूचन सहित, तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम “ड्यूरैल डिजी” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/433 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल विकृति गेज प्रकार का लोड सेल आधारित (प्लेटफार्म प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 100 कि. ग्रा. और न्यूनतम क्षमता 200 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 10 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है;



स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबन्द भी की जाएगी।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में मापमान (एन) अंतराल सहित 50 कि.ग्रा. से अधिक और 300 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(47)/2002]

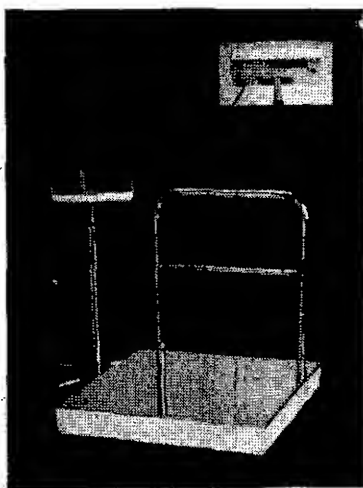
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 23rd June, 2006

S.O. 2777.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of the self indicating, non-automatic, (Platform type) weighing instrument with digital indication of “DJPF” series of medium accuracy (Accuracy class-III) and with brand name “DURELL DIGI” (herein referred to as the said Model), manufactured by M/s. DURELL DIGI Weighing System, Samanvay Complex, Ghogha Circle, Ghogha Road, Bhavnagar, Gujarat and which is assigned the approval mark IND/09/2004/433;

The said Model is a strain gauge type load cell based weighing instrument with a maximum capacity of 100 kg and minimum capacity of 200g. The verification scale interval (e) is 10g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity above 50 kg and up to 300 kg and with number of verification scale interval (n) in the range of 500 to 10,000 for ‘e’ value of 5g or more and with ‘e’ value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer with the same principles, design and with the same materials with which, the approved Model has been manufactured.

[F. No. WM-21(47)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 22 जून, 2006

क्रा. आ. 2778.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स जिनियस इलैक्ट्रॉनिक कम्पनी, बी-2/19, रून्वाल नगर, कोलबाद, थाणे (वैस्ट), -400 601, महाराष्ट्र द्वारा निर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले 'जी' शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम 'जिनियस' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन विह आई एन डी/09/06/321 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;



उक्त मॉडल इलैक्ट्रो मैग्नेटिक फोर्स कम्पनसेशन आधारित अस्वचालित (टेबल टॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 350 ग्रा. और न्यूनतम क्षमता 200 मि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 10 मि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और माडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्य निष्पादन सिद्धांत आदि की शर्तों पर बेचने से पहले या बाद में कोई परिवर्तन नहीं किया जाएगा।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्रा. तक "ई" मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के "ई" मान के लिए 5,000 से 50,000 तक की रेंज में मापमान (एन) अन्तराल सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

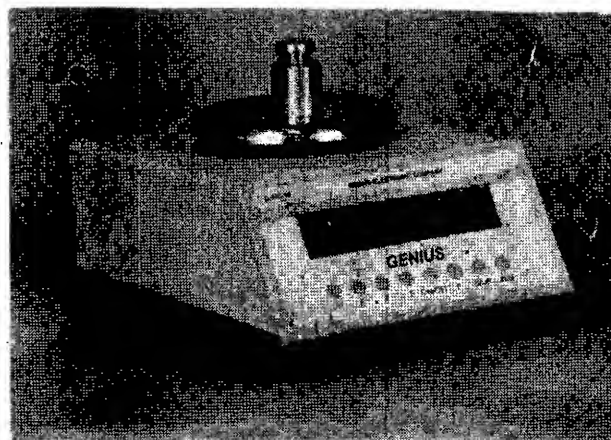
[फा. सं. डब्ल्यू एम-21(75)/2006]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd June, 2006

S.O. 2778.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) with digital indication of high accuracy (Accuracy class-II) of series “G” and with brand name “GENIUS” (hereinafter referred to as the said Model), manufactured by M/s. Genius Electronic Company, B-2/19, Runwal Nagar, Kolbad, Thane (West)-400 601, Maharashtra and which is assigned the approval mark IND/09/06/321;



The said Model is an electromagnetic force compensation based non-automatic weighing instrument (Table top type) with a maximum capacity of 350g. and minimum capacity of 200mg. The verification scale interval (e) is 10mg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and Model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc, before or after sale.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg. to 50mg. and with verification scale interval (n) in the range of 5,000 to 50,000 for 'e' value of 100mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

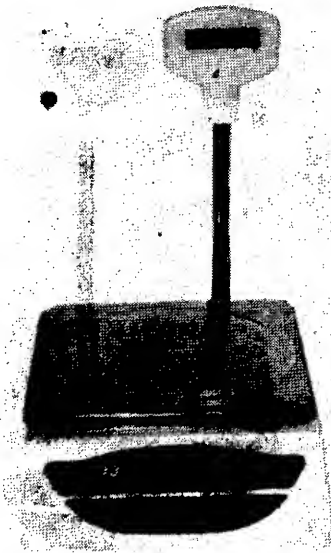
[F. No. WM-21(75)/2006]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 23 जून, 2006

का. आ. 2779.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स श्री इलेक्ट्रॉनिक सिस्टम्स, दुकान नं. 82, ए-3 विंग, फ्लैट नं. 17, सिधी पार्क, साई चौक, न्यू सानगवी, पूणे-27, द्वारा निर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले 'एस. आई. पी.-30' शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम 'सिमनस' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/340 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का भार सेल आधारित अस्वचालित (टेबल टॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकित के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जायेगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्य निष्पादन सिद्धांत आदि की शर्तों पर बेचने से पहले या बाद में कोई परिवर्तन नहीं किया जाएगा।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्रा. तक "ई" मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में मापमान (एन) अन्तराल सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फ. अ. 21(19)/2006]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 23rd June, 2006

S.O. 2779.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of "SIP-30" series of high accuracy (Accuracy class-II) and with brand name "SIEMENS" (hereinafter referred to as the said model), manufactured by M/s. Shree Electronic Systems, Shop No. 82, A-3 Wing, Flat No.17, Siddhi Park, Sai Chowk, New Sangvi, Pune-27 and which is assigned the approval mark IND/09/06/340;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg. and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc, before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, and performance of same series with maximum capacity up to 50 kg. and with number of verification scale interval (n) in the range of 100 to 5000 for 'e' value of 1mg. to 50mg. and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg. or more and with 'e' value of 1×10^4 , 2×10^4 or 5×10^4 , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

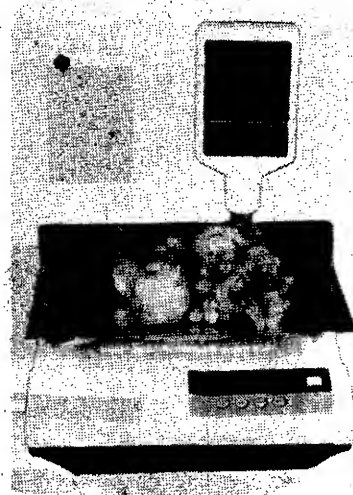
[F. No. WM-21(19)/2006]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 23 जून, 2006

का. आ. 2780.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स श्री इलेक्ट्रॉनिक सिस्टम्स, दुकान नं. 82, ए-3 विंग, फ्लैट नं. 17, सिधी पार्क, साई चौक, न्यू सानगवी, पूणे-27, द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले 'एस. आई. टी.-30' शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम 'सिमनस' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/341 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का भार सेल आधारित अस्वचालित (टेबल टॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जायेगा और माडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्य निष्पादन सिद्धांत आदि की शर्तों पर बेचने से पहले या बाद में कोई परिवर्तन नहीं किया जाएगा।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही भेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्रा. तक "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के 'ई' मान के लिए 500 से 10,000 तक की रेंज में मापमान (एन) अन्तराल सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

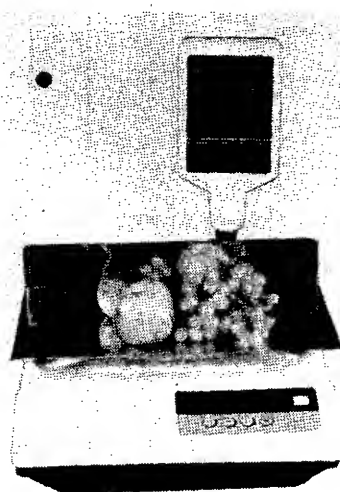
[फा. सं. डब्ल्यू एम-21(19)/2006]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 23rd June, 2006

S.O. 2780.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic weighing instrument (Table top type) with digital indication of "SIT-30" series of medium accuracy (Accuracy class-III) and with brand name "SIEMENS" (hereinafter referred to as the said model), manufactured by M/s. Shree Electronic Systems, Shop No. 82, A-3 Wing, Flat No.17, Siddhi Park, Sai Chowk, New Sangvi, Pune-27 and which is assigned the approval mark IND/09/06/341;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg. and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity up to 50 kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg. to 2g. or with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

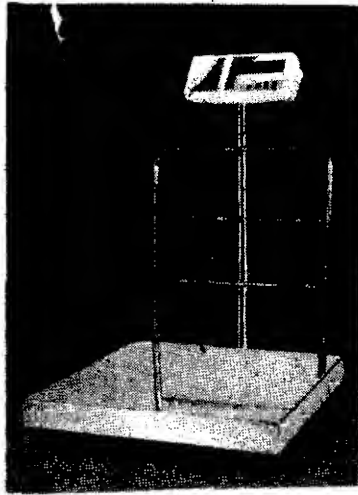
[F. No. WM-21(19)/2006]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 23 जून, 2006

का. आ. 2781.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स श्री इलेक्ट्रॉनिक सिस्टम्स, दुकान नं. 82, ए-3 विंग, फ्लैट नं. 17, सिधी पार्क, साई चौक, न्यू सानगवी, पूणे-27, द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले 'एस. आई. ई.-1000' शृंखला के अंकक: सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम 'सिमन्स' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/342 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है ;



उक्त मॉडल विकृति गेज प्रकार का भार सेल आधारित अस्वचालित (प्लेटफार्म प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जायेगा और माडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्य निष्पादन सिद्धांत आदि की शर्तों पर बेचने से पहले या बाद में कोई परिवर्तन नहीं किया जाएगा।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अंतराल (एन) सहित 50 कि. ग्रा. से अधिक और 5000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

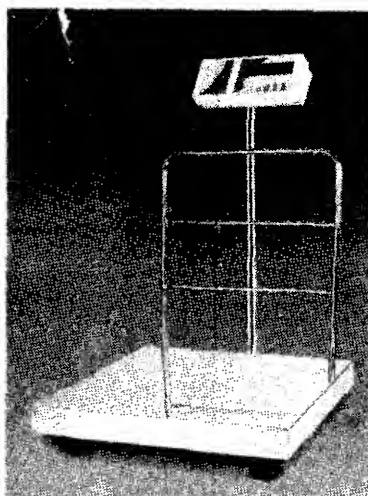
[फा. सं. डब्ल्यू एम-21(19)/2006]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 23rd June, 2006

S.O. 2781.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of the self indicating, non-automatic (Platform type) weighing instrument with digital indication of "SIE-1000" series of medium accuracy (Accuracy class-III) and with brand name "SIEMENS" (hereinafter referred to as the said Model), manufactured by M/s. Shree Electronic Systems, Shop No. 82, A-3 Wing, Flat No.17 Siddhi Park, Sai Chowk, New Sangvi, Pune-27 and which is assigned the approval mark IND/09/06/342;



The said Model is a strain gauge type load cell based weighing instrument with a maximum capacity of 1000kg. and minimum capacity of 2kg. The verification scale interval (e) is 100 g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operate on 230 Volts, 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and Model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc, before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of same series with maximum capacity above 50 kg. and up to 5000 kg. and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

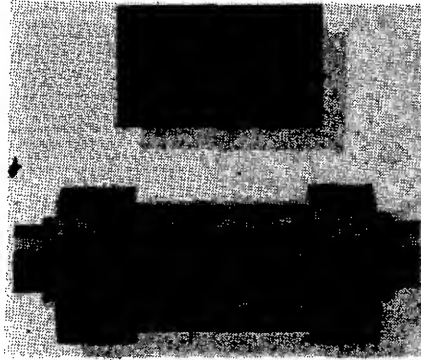
[F. No. WM-21(19)/2006]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 23 जून, 2006

का. आ. 2782.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा फिजीकलेश टेक्नीस्के बेंडेसैम्यलट (पी टी बी), जर्मनी, द्वारा अनुमोदन प्रमाण-पत्र उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स क्राटलर जैसलशेफ्ट एम बी एच एण्ड कम्पनी, बिलडगैसे-40, ए-6893, लेस्टेन्यू/आस्ट्रिया द्वारा निर्मित और भारत में मैसर्स रोकबिन फ्लो मीटर इंडिया प्राइवेट लिमिटेड, बी-24, साइट-4, साहिबाबाद इंडस्ट्रीयल एरिया, जिला गाजियाबाद-201010 उत्तर प्रदेश स्कू प्रकार के फ्लो मीटर और जिसके ब्रांड का नाम 'ओ.एम.जी.' है और जिसे अनुमोदन चिह्न आई एन डी/13/05/946 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल इलैक्ट्रिकल काउंटर सहित स्कू टाइप फ्लो मीटर का एक मॉडल है जो सामान्य आकार के साथ-साथ विभिन्न प्रवाह रेंजों से युक्त है। इस मीटर में एक स्कू स्पिंडल पेअर और इनक्लोजिंग हाउस लगा हुआ है। द्रव्य के प्रवाह से स्कू स्पिंडल एक समान गति से चलते हैं। यह गति उपकरण के एक ओर लगे ट्रांसड्यूसर के द्वारा दो कंज्यूक्चूटिव ओपोजिंग पल्स ट्रान्स में परिवर्तित हो जाती है। काउंटर काउंटिंग मकैनिज्म में इलैक्ट्रिकल एडजस्ट होता है। इस तकनीक का विवरण निम्नलिखित है—

फ्लो मीटर स्कू प्रकार—प्रकार

इलैक्ट्रीक काउंटर नं.—सीएमआर-के या पीयूजेड 1000

माडल नं.—ओ एम जी

आकार—15-150 पी 64/कारस

यथार्थता— + 0.15% वास्तविक प्रवाह

अधिकतम प्रवाह रेंज—5000 लीटर/मिनट

तापमान रेंज—20° सें. से 200° सें.

इस काउंटर को खाद्य पदार्थों अथवा ऐसी गैसों के लिए अनुमोदित नहीं किया गया है जो दबाव में तरल पदार्थ में परिवर्तित हो जाती हैं।

स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द किया जाएगा।

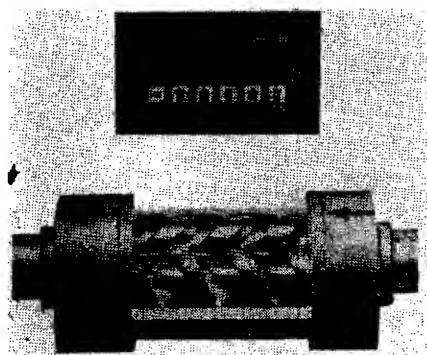
[फा. सं. डब्ल्यू एम-21(219)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 23rd June, 2006

S.O. 2782.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority along with the Model approval certificate issued by the Physikalisch-Technische Bundesanstalt (PTB), Germany is satisfied that the model described in the said report (see the figure given below), is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the Screw type flow meter of brand 'OMG' and manufactured by M/s. Krautler Gesellschaft m.b.H. & Co., Bildgasse 40, A-6893 Lustenau/Austria and sold in India without any alteration or additions by M/s. Rockwin Flow meter India Private Limited, B-24, Site-IV, Sahibabad Industrial Area, District-Ghaziabad-201010, Uttar Pradesh and which is assigned the approval mark IND/13/05/946;



The said model (see the figure given above) is a Screw type flow meter with electrical counter for various flow ranges and nominal sizes. The meter comprises of the screw spindle pair and the enclosing housing. The flow of the liquid sets the screw spindles in uniform motion. This motion is converted into two consecutive opposing pulse trains by transducers mounted on the side of the instrument. The counter is adjusted electrically in the counting mechanism. The technical details as follows—

Type—Screw type flow meter
Electrical counter No.—CMR-K or PUZ 1000
Model No.—OMG
Size—15—150 P 64/cors
Accuracy— $\pm 0.15\%$ of actual flow.
Max Flow range—5000 litre/minute
Temperature Range—20°C to 200°C

The counter has not been approved for foodstuffs or for gases that liquefy under pressure.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

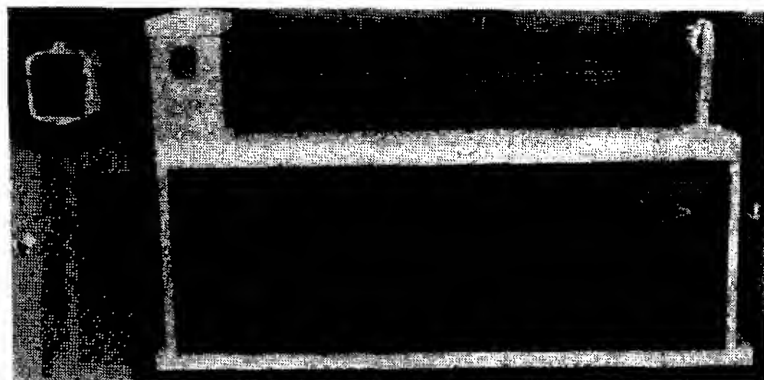
[F. No. WM-21(219)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 23 जून, 2006

का. आ. 2783.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स श्री अम्बिका स्केल मैन्यूफैक्चरिंग नरोदा रेलवे क्रॉसिंग नरोदा-382340 अहमदाबाद द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "नं. 17" शृंखला के एनलाग सूचक सहित अस्वचालित तोलन उपकरण (वे ब्रिज प्रकार) के मॉडल का, जिसके ब्रांड का नाम "अम्बिका" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/207 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल कम्पाइंड लीवर सिद्धांत पर आधारित अस्वचालित (मैकेनिकल वेब्रिज स्टीलयार्ड प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 30,000 कि.ग्रा. और न्यूनतम क्षमता 100 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 कि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है।

स्टैम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 कि.ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अंतराल (एन) सहित 5 टन से अधिक और 100 टन तक की अधिकतम क्षमता वाले तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

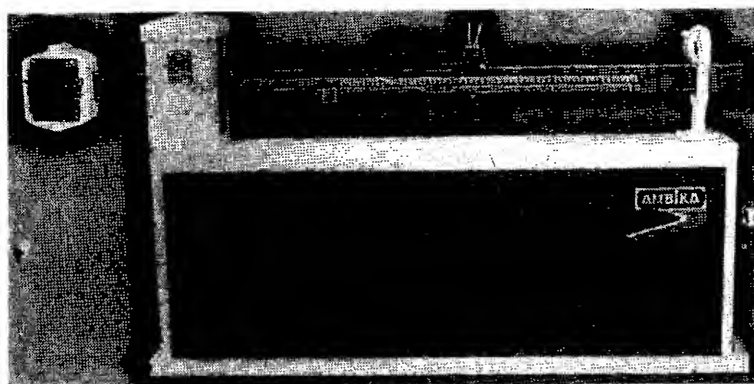
[फा. नं. 21(55)/2006]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 23rd June, 2006

S.O. 2783.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of, non-automatic weighing instrument mechanical weighbridge-steelyard type with analogue indication belonging to medium accuracy (Accuracy class-III) of 'No. 17' series and with brand name "AMBİKA" (hereinafter referred to as the said model), manufactured by M/s. Shri Ambika Scale Mfg. Works, 6, Hitendranger Sah. Audyogik Vasahat Ltd., Nr. Chest Disease Hospital, O/s. Naroda Railway Crossing, Naroda-382 340, Ahmedabad and which is assigned the approval mark IND/09/63/207;



The said model is a non-automatic weighing instrument (mechanical weighbridge-steelyard type) based on the principles of compound levers with a maximum capacity of 30,000kg. and minimum capacity of 100kg. The verification scale interval (e) is 5kg. It has a tare device with a 100 per cent subtractive retained tare effect.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and upto 100 tonnes with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5kg or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(55)/2006]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 23 जून, 2006

का. आ. 2784.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केंद्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स बजाज डिजिटल सिस्टम, 1, साय पूजा कमप्लेक्स, संजुजा हॉस्पिटल के पीछे, नया बापूनगर, अरविंद नगर, अहमदाबाद-380024 द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग-II) वाले "एस टी जे" शृंखला के अंकक सूचन सहित, अस्वचालित, तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "बजाज डिजिटल सिस्टम" है और जिसे अनुमोदन चिह्न आई एन डी/09/2005/872 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है ;

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित (टेबल टॉप प्रकार का) अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 22 कि.ग्रा. और न्यूनतम क्षमता 100 ग्राम है। सत्यापन मापमान अंतराल (ई) 2 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय कार्य करता है।



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जायेगा।

और, केंद्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि. ग्राम तक "ई" मान के लिए 100 से 5000 तक की रेंज में सत्यापन मान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा. सं. डब्ल्यू एम-21(163)/2002]

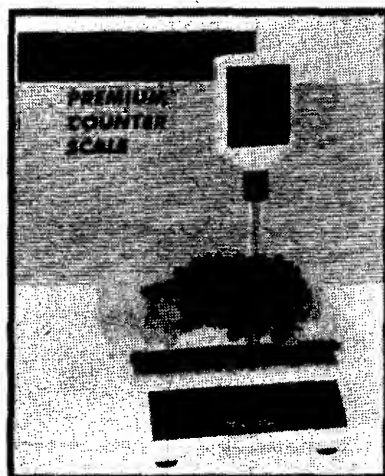
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 23rd June, 2006

S.O. 2784.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of "STJ-22" series of high accuracy (Accuracy class-II) and with brand name "BAJAJ DIGITAL SYSTEM" (hereinafter referred to as the said model), manufactured by M/s. Bajaj Digital Systems, 1, Sai Puja Complex, Behind Samjuba Hospital, Naya Bapunagar, Arvind Nagar, Ahmedabad-380 024 and which is assigned the approval mark IND/09/2005/872;

The said model (see the figure given below) is as strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 22kg and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity up to 50kg and with number of verification scale interval (n) in the range of 100 to 5000 for 'e' value of 1mg to 50mg and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(163)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 23 जून, 2006

का. आ. 2785.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स बजाज डिजिटल सिस्टम, 1, साय पूजा कम्पलेक्स संबूजा हॉस्पिटल के पीछे, नवा बापूनगर, अरविंद नगर, अहमदाबाद-380024 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "एस टी टी-30 के" शृंखला के अंकक सूचन सहित, अस्वचालित, तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "बजाज डिजिटल सिस्टम" है और जिसे अनुमोदन चिह्न आई एन डी/09/2005/873 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित (टेबल टॉप प्रकार का) अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्राम है। स्थापन मापमान अंतराल (ई) 5 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय कार्य करता है।



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जायेगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन इस के प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्राम तक "ई" मान के लिए 100 से 10,000 तक की रेंज में स्थापन मान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में स्थापन मापमान अंतराल (एन) सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा. सं. डब्ल्यू एम-21(163)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 23rd June, 2006

S.O. 2785.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic (Table top type) weighing instrument with digital indication of "STT-30K" series of medium accuracy (Accuracy class-III) and with brand name "BAJAJ DIGITAL SYSTEM" (hereinafter referred to as the said model), manufactured by M/s. Bajaj Digital Systems, 1, Sai Puja Complex, Behind Samjuba Hospital, Nava Bapunagar, Arvind Nagar, Ahmedabad-380 024 and which is assigned the approval mark IND/09/2005/873;

The said Model (see the figure given below) is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity up to 50 kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g or with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(163)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 23 जून, 2006

का. आ. 2786.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स बजाज डिजिटल सिस्टम, 1, साय पूजा कम्पलेक्स, संजुबा हॉस्पिटल, के पीछे, नवा बापूनगर, अरविंद नगर, अहमदाबाद-380024 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "एस पी पी-1000" शुद्धता के अंकक सूचन सहित, अस्वचालित, तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "बजाज डिजिटल सिस्टम" है और जिसे अनुमोदन चिह्न आई एन डी/09/2005/874 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 100 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनप्रत्यक्ष धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है विनिर्मित उसी शुद्धता के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या अधिक के "ई" मान के लिए 500 से 10000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो घनात्मक या शून्यात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(163)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 23rd June, 2006

S.O. 2786.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the self-indicating, non-automatic (Platform type) weighing instrument with digital indication of "SPP-1000" series of medium accuracy (Accuracy class-III) and with brand name "BAJAJ DIGITAL SYSTEM" (hereinafter referred to as the said model), manufactured by M/s. Bajaj Digital Systems, I, Sai Puja Complex, Behind Samjuba Hospital, Nava Bapunagar, Arvind Nagar, Ahmedabad-380 024 and which is assigned the approval mark IND/09/2005/874;

The said model (see the figure given below) is a strain gauge type load cell based weighing instrument with a maximum capacity of 1000kg. and minimum capacity of 2 kg. The verification scale interval (e) is 100g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.



In addition to sealing the stamping plate, sealing shall be done to prevent opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of same series with maximum capacity above 50 kg. and up to 5000 kg. and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(163)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

(भारतीय मानक ब्यूरो)

नई दिल्ली, 6 जुलाई, 2006

क्र. आ. 2787—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं:—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (को) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	IS 15678 : 2006 दाब आरोपित प्राकृतिक गैस की पाइपलाइन इंटेलिजेंट पिपिंग—रीति संहिता	कुछ नहीं	जून 2006
2.	IS 15679 : 2006 दाब आरोपित प्राकृतिक गैस हेतु गैस पाइपलाइनों की तप्त टेपिंग, स्टॉपल प्लगिंग, लाइन प्लगिंग—रीति संहिता	कुछ नहीं	जून 2006

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में विक्री हेतु उपलब्ध हैं।

[सं. पीसीडी/जी-7 (गजट)]

डॉ. डी. के. चौधरी, वैज्ञा. 'एफ' एवं प्रमुख (पेट्रोल, कोयला एवं सम्बन्धित उत्पाद)
(BUREAU OF INDIAN STANDARDS)

New Delhi, the 6th July, 2006

S. O. 2787.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each:—

SCHEDULE

Sl. No.	No. and Year and title of the Indian Standards Established	No. and Year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS 15678 : 2006 Intelligent Pigging of Pressurized Natural Gas Pipelines—Code of Practice	None	June 2006
2.	IS 15679 : 2006 Hot Tapping, Stopple Plugging/Line Plugging of Pressurized Natural Gas Pipelines—Code of Practice	None	June 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. PCD/G-7 (Gazette)]

Dr. D. K. CHAUDHURI, Sc. 'F' and Head (PCD)

नई दिल्ली, 10 जुलाई, 2006

क्र. आ. 2788.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानक (को) में संशोधन किया गया/किये गये हैं:—

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आई एस 8034 : 2002 निमज्जनीय पम्पसेट—विशिष्ट (दूसरा पुनरीक्षण)	संशोधन सं. 2, मई 2006	1 जून 2006

(1)	(2)	(3)	(4)
2.	आई एस 8472:1998 पम्प पुनर्योजी स्वच्छ ठंडे विशिष्टि (पहला पुनरीक्षण)	संशोधन सं. 2, मई 2006	1 जून 2006
3.	आई एस 9079: 2002 कृषि और जलपूर्ति के लिए साफ और ठंडे पानी के बिजली के मोनोसेट पम्प-विशिष्टि (दूसरा पुनरीक्षण)	संशोधन सं. 1, मई 2006	1 जून, 2006
4.	आई एस 14106:1996 डायरेक्ट एक्सन हथबरमे-विशिष्टि	संशोधन सं. 4, मई 2006	19 जून, 2006

इस संशोधन की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रिय कार्यालयों : नई दिल्ली, कोलकता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. एम. ई. डी./जी-2:1]

सी. के. वेदा, वैज्ञ. 'एफ' एवं प्रमुख (यांत्रिक इंजीनियरिंग)

New Delhi, the 10th July, 2006

S. O. 2788.—In pursuance of clause (b) of sub-rule, (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :—

SCHEDULE

Sl. No.	No. and year of the Indian Standards	No. and year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 8034 : 2002 Submersible pump sets—Specification (Third Revision)	Amendment No. 2, May 2006	1 June 2006
2.	IS 8472 : 1998 Pumps regenerative or clear, cold water—Specification	Amendment No. 2, May 2006	1 June 2006
3.	IS 9079 : 2002 Electric monoset pumps for clear, cold water for agricultural and water supply purposes—Specification	Amendment No. 1, May 2006	1 June 2006
4.	IS 14106 : 1996 Direct action hand pumps—Specification	Amendment No. 4, May 2006	19 June 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices : New Delhi, Kolkata Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. MED/G-2:1]

C. K. VEDA, Sc. 'F' and Head (Technical Engineering)

नई दिल्ली, 10 जुलाई, 2006

का. आ. 2789.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो

एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं:-

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हों, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1	आई एस 7587 (भाग 5) : 2006 खानों में वाईडिंग के लिए केज सस्पेंशन गियर-विशिष्ट भाग 5 समकारी प्लेट (पहला पुनरीक्षण)	7587 (भाग 3): 1976 खानों में वाईडिंग के लिए केज सस्पेंशन गियर-विशिष्ट भाग 5 समकारी प्लेट	30 जून, 2006

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. एम. ई. डी./जी-2:1]

सी. के. वेदा, वैज्ञा. 'एफ' एवं प्रमुख (यांत्रिक इंजीनियरिंग)

New Delhi, the 10th July, 2006

S. O. 2789—Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :—

SCHEDULE

Sl. No.	No. and Year of the Indian Standards Established	No. and Year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
I.	IS 7587(Part 5) : 2006 Cage suspension gear for winding in mines-Specification Part 5 Distribution plates (First revision)	IS 7587 (Part 3): 1976 Cage suspension gear for winding in mines—specification Part 5 Equalizing plates	30 June, 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. MED/G-2:1]

C. K. VEDA, Sc. 'F' and Head (Mechanical Engineering)

नई दिल्ली, 11 जुलाई, 2006

का. आ. 2790.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :-

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हों, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1	आई एस 11408 : 2006 आई एस ओ/आई ई सी 1864 : 1992 सूचना प्रौद्योगिकी—सूचना हस्तांतरण के लिये	—	मई 2006

(1)	(2)	(3)	(4)
	अनरिकार्डिड 12.7 mm (0.5 in) चौड़ी चुम्बकीय टेप—32 ftpmm (800 ftpi), एनआरजेड 1,126 (3200 ftpi) फेस एन्कोडिड और 356 ftpmm (9 042 ftpi) एनआरजेड 1 (पहला पुनरीक्षण)		
2.	आई एस 11409 : 2006 आई एस ओ/आई ई सी 1863 : 1990 सूचना प्रक्रमण—32 ftpmm (800 ftpi)- 32 cpmm (800 cpi) पर एन आरजेड 1, प्रयोग कर सूचना हस्तांतरण के लिये 9-ट्रेक, 127 mm (0.5 in) चौड़ी चुम्बकीय टेप (पहला पुनरीक्षण)	—	मई 2006
3.	आई एस 11410:2006 आई एस ओ/आई ई सी 3788 : 1990 सूचना प्रक्रमण—126 ftpmm (3200 ftpi)— 63 cpmm (1600 cpi) पर फेस एन्कोडिड प्रयोग कर सूचना हस्तांतरण के लिये 9-ट्रेक, 127 mm (0.5 in) चौड़ी चुम्बकीय टेप (पहला पुनरीक्षण)	—	मई 2006
4.	आई एस 14490 (भाग 1) : 2006 आई एस ओ/आई ई सी 15408-1: 2005 सूचना प्रौद्योगिकी-सुरक्षा तकनीक-सूचना प्रौद्योगिकी की सुरक्षा के लिये मूल्यांकन के मापदंड भाग 1 परिचय एवं सामान्य मॉडल (पहला पुनरीक्षण)	—	मई 2006
5.	आई एस 14490 (भाग 2) : 2006 आई एस ओ/आई ई सी 15408-2 : 2005 सूचना प्रौद्योगिकी-सुरक्षा तकनीक-सूचना प्रौद्योगिकी की सुरक्षा के लिये मूल्यांकन के मापदंड भाग 1 सुरक्षा आश्वासन की अपेक्षाएं (पहला पुनरीक्षण)	—	मई 2006
6.	आई एस 14490 (भाग 3): 2006 आई एस ओ/आई ई सी 15408-3: 2005 सूचना प्रौद्योगिकी-सुरक्षा तकनीक-सूचना प्रौद्योगिकी की सुरक्षा के लिये मूल्यांकन के मापदंड भाग 1 सुरक्षा की कार्यात्मक अपेक्षाएं (पहला पुनरीक्षण)	—	मई 2006

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. एल टी डी/जी 75]

सुख बीर सिंह, प्रमुख (एल आई टी डी)

New Delhi, the 11th July, 2006

S. O. 2790—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each:

SCHEDULE

Sl. No.	No. and Year of the Indian Standards Established	No. and Year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS 11408 : 2006 ISO/IEC 1864:1992 Information technology—unrecorded 12.7 mm (0.5 in) wide magnetic tape for information interchange 32 ftpmm (800 ftpi), NRZ1, 126 ftpmm (3200 ftpi) Phase encoded and 356 ftpmm (9042 ftpi), NRZ1 (First Revision)	—	May 2006
2.	IS 11409 : 2006 ISO/IEC 1863:1990 Information technology—unrecorded 12.7 mm (0.5 in) wide magnetic tape for information interchange NRZ1 at 32 ftpmm (800 ftpi)—32 cpm (800 cpi) (First Revision)	—	May 2006
3.	IS 11410 : 2006 ISO/IEC 3788:1990 Information processing—9-Track, 12.7 mm (0.5 in) wide magnetic tape for information interchange using phase encoding at 126 ftpmm (3200 ftpi)—63 cpm (1 600 cpi) (First Revision)	—	May 2006
4.	IS 14990 (Part 1) : 2006 ISO/IEC 15408—1:2005 Information technology—security techniques—evaluation criteria for IT security : Part 1 Introduction and general model (First Revision)	—	May 2006
5.	IS 14990 (Part 2) : 2006 ISO/IEC 15408-2:2005 Information technology—security techniques—evaluation criteria for IT security : Part 2 Security Functional Requirements (First Revision)	—	May 2006
6.	IS 14990 (Part 3) : 2006 ISO/IEC 15408-3:2005 Information technology—security techniques—evaluation criteria for IT security : Part 3 Security Assurance Requirements (First Revision)	—	May 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. LTD/G-75]

SUKH BIR SINGH, Head (LITD)

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 13 जुलाई, 2006

का.आ. 2791.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 676 तारीख 17-2-2006 द्वारा, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में गेल (इण्डिया) लिमिटेड द्वारा उत्तर प्रदेश राज्य में थूलेन्डी से फूलपुर पाइपलाइन परियोजना तक प्राकृतिक गैस के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्रित अधिसूचना की प्रतियां जनता को तारीख 1 मार्च, 2006 को उपलब्ध करा दी गई थी;

और पाइपलाइन बिछाने के सम्बन्ध में जनता से प्राप्त आक्षेपों पर सक्षम प्राधिकारी द्वारा विचार कर लिया गया है और उन्हें अननुज्ञात कर दिया गया है;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उस में उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है;

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निदेश देती है कि पाइपलाइन बिछाने के लिए भूमि में उपयोग का अधिकार, इस घोषणा के प्रकाशन की तारीख को, केन्द्रीय सरकार में निहित होने के बजाए, पाइपलाइन बिछाने का प्रस्ताव, करने वाली गेल (इण्डिया) लिमिटेड में निहित होगा और तदुपरि, भूमि में ऐसे उपयोग का अधिकार, इस प्रकार अधिरोपित निबंधनों और शर्तों के अधीन रहते हुए, सभी विल्लंगमों से मुक्त, गेल (इण्डिया) लिमिटेड में निहित होगा।

अनुसूची

जिला	तहसील	गांव	सर्वे नं.	आर.ओ.यू. अर्जित करने के लिए क्षेत्रफल (हेक्टेयर में)
प्रतापगढ़	लालगंज	बेल्हा	644	0.1500
			कुल	0.1500
प्रतापगढ़	लालगंज	अझारा	308	0.1501
			294	0.1396
			कुल	0.2897
इलाहाबाद	फूलपुर	कनेहटी	987	0.1030
			कुल	0.1030

[फा. सं. एल-14014/4/05-जीपी (भाग-I)]

एस. बी. मण्डल, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 13th July, 2006

S.O. 2791.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. No. 676 dated 17-2-2006 issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipelines for the transportation of natural gas from Thulendi to Phoolpur pipeline project in the State of Uttar Pradesh by the GAIL (India) Limited;

And whereas copies of the said Gazette notification were made available to the public on 1st March, 2006;

And whereas the objections received from the public to the laying of the pipeline have been considered and disallowed by the competent authority;

And whereas the competent authority has, under sub-section (1) of Section 6 of the said Act, submitted its report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipelines, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipelines;

And, further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the right of user in the land for laying the pipelines shall, instead of vesting in the Central Government, vest, on the date of the publication of the declaration, in the GAIL (India) Limited, proposing

to lay the pipelines and thereupon the right of such user in the land shall, subject to the terms and conditions so imposed, vest in GAIL (India), free from all encumbrances.

SCHEDULE

District	Tehsil	Village	Survey No.	Area to be acquired for ROU (in Hectare)
Pratapgarh	Lalganj	Belha	644	0.1500
			Total	0.1500
Pratapgarh	Lalganj	Ajhara	308	0.1501
			294	0.1396
			Total	0.2897
Allahabad	Poolpur	Kanchati	987	0.1030
			Total	0.1030

[F. No. L-14014/4/05-GP (Part-I)]

S.B. MANDAL, Under Secy.

नई दिल्ली, 18 जुलाई, 2006

का.आ. 2792.—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खण्ड (क) के अनुसरण में, भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का.आ. 1140, तारीख 22 मार्च, 2006 को अधिकांश करते हुए सिवाए उन बातों के जो ऐसे अधिग्रहण से पूर्व की गई हैं, या जिन्हें करने का लोप किया गया है, श्री डी. वी. मित्तल, तहसीलदार को मैसर्स गेल (इण्डिया) लिमिटेड द्वारा हरियाणा, पंजाब एवं राजस्थान राज्य में उक्त अधिनियम के अधीन सक्षम प्राधिकारी के कृत्यों का पालन करने के लिए नियुक्त किया;

और उक्त श्री डी. वी. मित्तल का स्थानांतरण हो गया है और श्री वाई. के. छोकर को उनके पद पर नियुक्त किया गया है;

और उक्त श्री डी. वी. मित्तल की मैसर्स गेल (इण्डिया) लिमिटेड के साथ प्रतिनियुक्ति समाप्त हो गई है;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 2 के खंड (क) के अनुसरण में और भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का.आ. 1140, तारीख 22 मार्च, 2006 को अधिकांश करते हुए, नीचे दी गई अनुसूची के स्तंभ (1) में वर्णित व्यक्ति को उक्त मैसर्स गेल (इण्डिया) लिमिटेड द्वारा पाइपलाइन बिछाने के लिए निम्नलिखित अनुसूची के स्तंभ (2) में वर्णित क्षेत्र में उक्त अधिनियम के अधीन सक्षम प्राधिकारी के कृत्यों का पालन करने के लिए नियुक्त करती है।

अनुसूची

व्यक्ति का नाम और पता	अधिकारिता का क्षेत्र
श्री वाई. के. छोकर, तहसीलदार, प्रतिनियुक्ति पर, मैसर्स गेल (इण्डिया) लिमिटेड, बी-35 व 36, सेक्टर-1, जिला: गौतम बुद्ध नगर, नोएडा—201301 (उत्तर प्रदेश)	सम्पूर्ण हरियाणा एवं पंजाब राज्य

[फा. सं. एल-14014/7/05-जी पी]

एस. बी. मण्डल, अवर सचिव

New Delhi, the 18th July, 2006

S.O. 2792.—Whereas, in pursuance of clause (a) of Section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government vide Notification of Government of India in the Ministry of Petroleum and Natural Gas S.O. 1140, dated. 22nd March, 2006 appointed Shri D.V. Mittal, Tehsildar to perform the functions of the competent authority under said Act for laying of the pipeline by M/s. GAIL (India) Limited in the state of Haryana, Punjab and Rajasthan;

And, whereas, Shri D.V. Mittal has been transferred and Shri Y.K. Chhokar has been posted as his incument;

And, whereas, the deputation of the said Shri D.V. Mittal with M/s. GAIL (India) Limited has come to and end;

Now, therefore, in pursuance of clause (a) of Section (2) of the said Act and in supersession of the notification of the Government of India, Ministry of Petroleum and Natural Gas vide S.O. 1140, dated. 11th March, 2006, the Central Government hereby authorises the person mentioned in column (1) of the schedule given below to perform the functions of the Competent Authority under the said Act for laying pipelines by the said M/s. GAIL (India) Limited in the area mentioned in column (2) of the said schedule.

SCHEDULE

Name and Address of the Person	Area of Jurisdiction
Shri Y.K. Chhokar, Tehsildar, on deputation to M/s. GAIL (India) Limited, B-35 and 36, Sector-1 Distt.: Gautam Buddha Nagar, Noida—201301 (Uttar Pradesh)	Whole State of the Haryana and Punjab.

[F. No. L-14014/7/05-GP]

S.B. MANDAL, Under Secy.

नई दिल्ली, 18 जुलाई, 2006

का. आ. 2793.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि मध्यप्रदेश राज्य में कौयली से रतलाम तक पेट्रोलियम उत्पादन के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए:

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए :

अतः अब, केन्द्रीय सरकार पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है,

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, ईक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के संबंध में भरतलाल ननामा, सक्षम प्राधिकारी, इंडियन ऑयल कोर्पोरेशन लिमिटेड, पाटीदार हाऊस, गीता मन्दिर रोड़, रतलाम-457001 (मध्य प्रदेश) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूचि

तहसील —थांदला		जिला — झाबुआ	राज्य— मध्य प्रदेश
क्रमांक	गाँव का नाम	सर्वे नम्बर	क्षेत्रफल हेक्टर में
1	2	3	4
1	सेमलपाड़ा	144	0.1008
		145	0.1224
		146	0.2160
		143	0.1368
		140	0.0288
		142	0.2016
		139	0.0324
		151	0.0144
		152	0.1440
		134	0.0720
		116	0.1296
		117	0.0288
		118/3	0.0072
		115/1	0.2808
		115/2	0.0280
		110	0.0140

1	2	3	4
1	अमलपाड़ा (भारी...)	103/3	0.0025
		103/4	0.1440
		103/5	0.0490
		101	0.0960
		100	0.1760
		99	0.1698
		102/2	0.0032
		98	0.0025
		97/1	0.1152
		96	0.0396
		95	0.0140
		94	0.0630
		87	0.0025
		93	0.1028
		92	0.0720
		90	0.1472
		91	0.0585
		79	0.1944
		80	0.2140
		78	0.0720
		72	0.0072
		74	0.0720
		181	0.0612
2	सागवा	492	0.1868
		432	0.0144
3	खवासा	1866	0.0120
		1867	0.0480
		1868	0.0180
4	नहारपुरा	442	0.0025
		479	0.0108
		477	0.1656

[फा. सं. आर-25011/1/2006-ओ.आर.-I]

एस.के. चितकारा, अवर सचिव

New Delhi, the 18th July, 2006

s. o. 2793.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Koyali to Ratlam in the state of Madhya Pradesh, a Pipeline should be laid by the Indian Oil Corporation Limited.

And whereas it appears to the Central Government that for the purpose of laying the said pipeline, it necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now therefore, in exercise of the Powers conferred by sub-section (I) of section 3 of the Petroleum and Mineral Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of this notification; issued under sub-section (1) of section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the laying of pipeline under the land to Mr. Bharat Lal Nanama, Competent Authority, Indian Oil Corporation Limited. at office Patidar house, Gita mandir Road, Ratlam - 457001, (Madhya Pradesh).

Schedule

Tehsil :- Thandla		District :- Jhabua	State: -Madhya pradesh
SI No.	Name of Village	Survey No.	Area in Hectar
1	2	3	4
1	Semalpara	144	0.1008
		145	0.1224
		146	0.2160
		143	0.1368
		140	0.0288
		142	0.2016
		139	0.0324
		151	0.0144
		152	0.1440
		134	0.0720
		116	0.1296
		117	0.0288
		118/3	0.0072
		115/1	0.2808
		115/2	0.0280
		110	0.0140
		103/3	0.0025
		103/4	0.1440
		103/5	0.0490
		101	0.0960
		100	0.1760
		99	0.1698
		102/2	0.0032
		98	0.0025
		97/1	0.1152

1	2	3	4
1.	Semalpara (contd.)	98	0.0396
		95	0.0140
		94	0.0630
		87	0.0025
		93	0.1028
		92	0.0720
		90	0.1472
		91	0.0585
		79	0.1944
		80	0.2140
		78	0.0720
		72	0.0072
		74	0.0720
		181	0.0612
2.	Sagwa	492	0.1868
		432	0.0144
3	Khawasa	1866	0.0120
		1867	0.0480
		1868	0.0180
4	Naharpura	442	0.0025
		479	0.0108
		477	0.1656

[F. No. R-25011/1/2006-O.R.-I]
S. K. CHITKARA, Under Secy.

नई दिल्ली, 18 जुलाई, 2006

का. आ. 2794.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि मध्यप्रदेश राज्य में कोयली से रतलाम तक पेट्रोलियम उत्पादन के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए:

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए :

अतः अब, केन्द्रीय सरकार पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है,

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, ईक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के संबंध में भरतलाल ननामा, सक्षम प्राधिकारी, इंडियन ऑयल कोर्पोरेशन लिमिटेड, पाटीदार हाऊस, गीता मन्दिर रोड़, रतलाम-457001 (मध्य प्रदेश) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूचि

तहसील — मेघनगर		जिला — झाबुआ	राज्य— मध्य प्रदेश
क्रमांक	गाँव का नाम	सर्वे नम्बर	क्षेत्रफल हेक्टर में
1	2	3	4
1	ढाढनिया	100	0.0252
		101	0.2412
		102	0.0210
		79	0.1224
		77	0.0220
		80	0.0072
		76	0.1040
		75	0.1450
		183	0.2088
		180	0.2156
2	मेघनगर	182	0.0162
		125	0.2592
		126	0.0018
		123/1	0.0720
		122/1	0.1440
		122/2	0.0210
		117	0.2880
		105/1/2	0.3672
		105/2	0.1448
		106	0.0080
		107	0.1800
		89	0.0140
		86	0.1520
		85	0.2808
		63	0.3818
		62	0.2304
		1	0.0166
3	नवापाड़ा धन्ना	31	0.0756
		32	0.0012
4	बेडावली	257	0.0090
		255	0.0015
		256	0.0315
		256/637	0.0420
		230	0.0720
		258	0.0020
		262	0.0087
		260	0.0630

1	2	3	4
4	बेङ्गावली निरन्तर.....	259	0.0490
		261	0.0101
		266	0.0210
		332	0.0424
		331	0.0110
		330	0.0744
		333	0.0280
		327	0.0540
		336	0.1008
		326	0.0144
		325	0.0280
		324	0.0480
		323	0.0104
		368	0.0584
		369	0.0152
		367	0.0490
		366	0.0491
		377	0.0498
		365	0.0630
		364	0.0560
		363	0.1440
		406	0.0144
		407/2	0.1728
		536	0.0420
		537	0.0015
		407/3	0.0020
		535	0.0030
		534	0.0280
		531/5	0.0348
		531/6	0.0320
		531/7	0.0560
		531/8	0.0140
		531/10	0.0790
		531/15	0.0630
		531/16	0.0428
		531/17	0.0348
		531/14	0.0080
		527	0.0896
		528	0.0015
		526	0.0256

1	2	3	4
4	बेड़ावली निरन्तर.....	524	0.0140
		571	0.0838
		566	0.0212
		570	0.0630
		569	0.1296
		572/2	0.0100
		580	0.3600
		581	0.1296
		582	0.0144
		603/1	0.1980
		603/2	0.1800
		603/3	0.1764
		603/4	0.1080
		603/644	0.0900
		605	0.0348
		604/2	0.1260
		604/5	0.0840
		604/1	0.0844
		620	0.1800
		621	0.2808
		625	0.0520
		626	0.0208
		627	0.0800
		624	0.0135
5	नौगांवा	230/2	0.0240
		230/1	0.1080
		231	0.2052
		233	0.1154
		234	0.0504
		232	0.1252
		276	0.0180
		278	0.2160
		277	0.0288
		280	0.0108
		281	0.0082
		282	0.0936
		283	0.0540
		284	0.0648
		289	0.1008
		290	0.1296

1	2	3	4
5	नौगाँवा निरन्तर....	293	0.0720
		294	0.0721
		298	0.0810
		378	0.0792
6	गुड़ा छोटा	131	0.1512
		132	0.0540
		133	0.0682
		134	0.0360
		135	0.1384
		139	0.0240
		140	0.0686
		142	0.0650
		145	0.3312
		128	0.0182
		118	0.3942
		17	0.2184
7	महुड़ा	169	0.1008
		170	0.0324
		168	0.0125
		1	0.2592
		167	0.0252
		166	0.1296
		165	0.0720
		176	0.0792
		177/1	0.0488
		178	0.0216
		179	0.0488
		180/1	0.1888
		189	0.1872
		478	0.0864
		479	0.0144
		480	0.1800
		481	0.1224
		483	0.0986
		484	0.1188
		462	0.0720
		485	0.0252
		440	0.1008
		439	0.1368
		438	0.1080

1	2	3	4
7	महुदा निरन्तर.....	433	0.0180
		434	0.1368
		432	0.0252
		430	0.2080
		429	0.0576
		369	0.4308
		368	0.0360
		367	0.0082
		365	0.1152

[फा. सं. आर-25011/1/2006-ओ.आर.-1]

एस.के. चितकारा, अवर सचिव

New Delhi, the 18th July, 2006

s. o. 2794.— Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Koyali to Ratlam in the state of Madhya Pradesh, a Pipeline should be laid by the Indian Oil Corporation Limited.

And whereas it appears to the Central Government that for the purpose of laying the said pipeline, it necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now therefore, in exercise of the Powers conferred by sub-section (I) of section 3 of the Petroleum and Mineral Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of this notification; issued under sub-section-(1) of section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the laying of pipeline under the land to Mr. Bharat Lal Nanama, Competent Authority, Indian Oil Corporation Limited, at office Patidar house, Gita mandir Road, Ratlam - 457001, (Madhya Pradesh).

Schedule

Tehsil :- Meghnagar		District :- Jhabua	State :- Madhya Pradesh
Sl No.	Name of Village	Survey No.	Area in Hectare
1	2	3	4
1	Dadhanliya	100	0.0252
		101	0.2412
		102	0.0210
		79	0.1224
		77	0.0220
		80	0.0072
		76	0.1040
		75	0.1450
		183	0.2088
		180	0.2156
2	Meghnagar	182	0.0162
		125	0.2592
		126	0.0018
		123/1	0.0720
		122/1	0.1440
		122/2	0.0210
		117	0.2880
		105/1/2	0.3672
		105/2	0.1448
		106	0.0080
		107	0.1800
		89	0.0140
		86	0.1520
		85	0.2808
		63	0.3816
3	Nawapada Dhanna	62	0.2304
		1	0.0166
		31	0.0756
4	Bedawali	32	0.0012
		257	0.0090
		255	0.0015
		256	0.0315
		256/637	0.0420
		230	0.0720
		258	0.0020
		262	0.0087
		260	0.0630

1	2	3	4
4	Bedawali Gen...	259	0.0490
		261	0.0101
		266	0.0210
		332	0.0424
		331	0.0110
		330	0.0744
		333	0.0280
		327	0.0540
		336	0.1008
		326	0.0144
		325	0.0280
		324	0.0480
		323	0.0104
		368	0.0584
		369	0.0152
		367	0.0490
		366	0.0491
		377	0.0498
		365	0.0630
		364	0.0560
		363	0.1440
		406	0.0144
		407/2	0.1728
		536	0.0420
		537	0.0015
		407/3	0.0020
		535	0.0030
		534	0.0280
		531/5	0.0348
		531/6	0.0320
		531/7	0.0560
		531/8	0.0140
		531/10	0.0790
		531/15	0.0630
		531/16	0.0428
		531/17	0.0348
		531/14	0.0080
		527	0.0896
		528	0.0015
		526	0.0256
		524	0.0140
		571	0.0838

1	2	3	4
4	Bedawali Con...	566	0.0212
		570	0.0630
		569	0.1296
		572/2	0.0100
		580	0.3600
		581	0.1296
		582	0.0144
		603/1	0.1980
		603/2	0.1800
		603/3	0.1764
		603/4	0.1080
		603/644	0.0900
		605	0.0348
		604/2	0.1260
		604/5	0.0840
		604/1	0.0844
		620	0.1800
		621	0.2808
		625	0.0520
		626	0.0208
		627	0.0800
		624	0.0135
5	Naugawa	230/2	0.0240
		230/1	0.1080
		231	0.2052
		233	0.1154
		234	0.0504
		232	0.1252
		276	0.0180
		278	0.2160
		277	0.0288
		280	0.0108
		281	0.0082
		282	0.0936
		283	0.0540
		284	0.0648
		289	0.1008
		290	0.1296
		293	0.0720
		294	0.0721
		298	0.0810
		378	0.0792

1	2	3	4
6	Guda Choota	131	0.1512
		132	0.0540
		133	0.0082
		134	0.0360
		135	0.1384
		139	0.0240
		140	0.0696
		142	0.0050
		145	0.3312
		128	0.0102
		18	0.3942
		17	0.2184
7	Mahuda	169	0.1008
		170	0.0324
		168	0.0125
		1	0.2592
		167	0.0252
		166	0.1296
		165	0.0720
		176	0.0792
		177/1	0.0468
		178	0.0216
		179	0.0468
		180/1	0.1368
		189	0.1872
		478	0.0864
		479	0.0144
		480	0.1800
		481	0.1224
		483	0.0936
		484	0.1188
		462	0.0720
		485	0.0252
		440	0.1008
		439	0.1368
		438	0.1080
		433	0.0180
		434	0.1368
		432	0.0252
		430	0.2080

1	2	3	4
7	Mahuda Conte..	429	0.0576
		369	0.4308
		368	0.0360
		367	0.0082
		365	0.1152

[F. No. R-25011/1/2006-O.R.-I]

S. K. CHITKARA, Under Secy.

नई दिल्ली, 18 जुलाई, 2006

का. आ. 2795.—केंद्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि मध्यप्रदेश राज्य में कोयली से रतलाम तक पेट्रोलियम उत्पादन के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए।

और केंद्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए :

अतः अब, केंद्रीय सरकार पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है,

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती है, ईक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के संबंध में भरतलाल नानामा, सक्षम प्राधिकारी, इंडियन ऑयल कोर्पोरेशन लिमिटेड, पाटीदार हाऊस, गीता मन्दिर रोड, रतलाम-457001 (मध्य प्रदेश) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूचि

तहसील — बाजना		जिला — रतलाम	राज्य— मध्य प्रदेश
क्रमांक	गाँव का नाम	सर्वे नम्बर	क्षेत्रफल हेक्टर में
1	2	3	4
1	जाबड़.	267	0.1922
		268	0.1728
		284	0.3888
		282	0.0216
		285	0.1944

[फा. सं. आर-25011/2/2006-ओ.आर.-1]

एस.के. चितकारा, अवर सचिव

New Delhi, the 18th July, 2006

S.O. 2795.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Koyali to Ratlam in the state of Madhya Pradesh, a Pipeline should be laid by the Indian Oil Corporation Limited.

And whereas it appears to the Central Government that for the purpose of laying the said pipeline, it necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now therefore, in exercise of the Powers conferred by sub-section (I) of section 3 of the Petroleum and Mineral Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of this notification; issued under sub-section (1) of section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the laying of pipeline under the land to Mr. Bharat Lal Nanama, Competent Authority, Indian Oil Corporation Limited, at office Patidar house, Gita mandir Road, Ratlam - 457001, (Madhya Pradesh).

Schedule

Tehsil :- Bajna		District :- Ratlam	State :- Madhyapradesh
SL.NO.	Name of Village	SURVEY NO	AREA IN HECTARE
1	2	3	4
1	Jabod	267	0.1922
		268	0.1728
		284	0.3888
		282	0.0216
		285	0.1944

[F. No. R-25011/2/2006-O.R.-I]
S. K. CHITKARA, Under Secy.

नई दिल्ली, 18 जुलाई, 2006

का. आ. 2796.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि मध्यप्रदेश राज्य में कोयली से रतलाम तक पेट्रोलियम उत्पादन के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए:

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए :

अतः अब, केन्द्रीय सरकार पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती है, ईक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के संबंध में भरतलाल ननामा, सक्षम प्राधिकारी, इंडियन ऑयल कोर्पोरेशन लिमिटेड, पाटीदार हाऊस, गीता मन्दिर रोड़, रतलाम-457001 (मध्य प्रदेश) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूचि

तहसील — रतलाम		जिला — रतलाम	राज्य — मध्य प्रदेश
क्रमांक	गाँव का नाम	सर्वे नम्बर	क्षेत्रफल हेक्टर में
1	2	3	4
1	घबई पाड़ा	10/1/1/45	0.0171
2	जुलवानिया	163/2	0.0843
		151	0.1800
		156	0.0540
		152	0.1445
3	नन्दलाई	83/1/4	0.0080
		234	0.0140
		238	0.1080
		235	0.2736
		236	0.1656
		222/1	0.5902
		222/9	0.0252
		222/7	0.0108
		222/6	0.2520
		222/4	0.2100
		220	0.1800
		220/242/2	0.1584
		220/242/1	0.2592
		218	0.0648
		213	0.0080
		200/1/2	0.0648
		200/1/1	0.1040
4	बंजली	3/1	0.1764
		4	0.2160
		16	0.0140
		17	0.0764
		14	0.0720
		12	0.2160
		10	0.1980
		8/3	0.0252
		8/2	0.0015
		8/2/5	0.2220
		25/2	0.0980
		29/1	0.1188
		24	0.2952
		26	0.0288
		50/1	0.4320
		50/2	0.0040

1	2	3	4
4	बंजली निरन्तर	46/1	0.0936
		46/2	0.0612
5	बांगरोद	1402/1629	0.0144
		1377/1628	0.0597
		1441	0.2609
		712/5	0.1735
		700	0.2376
		699	0.3420

[फा. सं. आर-25011/2/2006-ओ.आर.-1]

एस.के. चितकारा, अवर सचिव

New Delhi, the 18th July, 2006

s. O. 2796.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Koyali to Ratlam in the state of Madhya Pradesh, a Pipeline should be laid by the Indian Oil Corporation Limited.

And whereas it appears to the Central Government that for the purpose of laying the said pipeline, it necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now therefore, in exercise of the Powers conferred by sub-section (I) of section 3 of the Petroleum and Mineral Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of this notification; issued under sub-section (1) of section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the laying of pipeline under the land to Mr. Bharat Lal Nanama, Competent Authority, Indian Oil Corporation Limited. at office Patidar house, Gita mandir Road, Ratlam - 457001, (Madhya Pradesh).

Schedule

Tehsil :- Ratlam		District :- Ratlam	State:-Madhya pradesh
SL. NO.	Name of Village	Survey No.	Area in Hectare
1	2	3	4
1	Dhabalpara	10/1/1/45	0.0171
2	Julwaniya	163/2	0.0843
		151	0.1800
		156	0.0540
		152	0.1445
3	Nandlai	83/1/4	0.0080
		234	0.0140
		238	0.1080
		235	0.2736
		236	0.1656
		222/1	0.5902
		222/9	0.0252
		222/7	0.0108
		222/6	0.2520
		222/4	0.2100
		220	0.1800
		220/242/2	0.1584
		220/242/1	0.2592
		218	0.0648
		213	0.0080
		200/1/2	0.0648
		200/1/1	0.1040
4	Banjali	3/1	0.1764
		4	0.2160
		16	0.0140
		17	0.0764
		14	0.0720
		12	0.2160
		10	0.1980
		8/3	0.0252
		8/2	0.0015
		8/2/5	0.2220
		25/2	0.0980
		29/1	0.1188
		24	0.2952
		26	0.0288
		50/1	0.4320
		50/2	0.0040
		46/1	0.0936
		46/2	0.0612

1	2	3	4
5	Bangrod	1402/1629	0.0144
		1377/1628	0.0597
		1441	0.2609
		712/5	0.1735
		700	0.2376
		699	0.3420

[F. No. R-26011/2/2006-O.R.-I]
S. K. CHITKARA, Under Secy.

नई दिल्ली, 20 जुलाई, 2006

क्र. आ. 2797.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि मैसर्स रिलाएंस गैस पाइपलाइन्स लिमिटेड पूर्व में मैसर्स गैस ट्रांसपोर्टेशन एंड इन्फ्रास्ट्रक्चर कंपनी लिमिटेड की संप्रवर्तक कंपनी मैसर्स रिलाएंस इन्डस्ट्रीस लिमिटेड के गोवा में उत्तरी/दक्षिणी अपटट में खोज ब्लॉकों और आन्ध्रप्रदेश में संरचनाओं से आन्ध्रप्रदेश राज्य में पूर्वी गोदावरी जिले के विभिन्न उपभोक्ताओं तक प्राकृतिक गैस के परिवहन के लिए मैसर्स रिलाएंस गैस पाइपलाइन्स लिमिटेड द्वारा एक पाइपलाइन विछाई जानी चाहिये ;

और केन्द्रीय सरकार को उक्त पाइपलाइन विछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसके भीतर उक्त पाइपलाइन विछाई जाने का प्रस्ताव है और जो इस अधिसूचना से उपावृद्ध अनुसूचि में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए ;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

कोई व्यक्ति जो उक्त अनुसूचि में वर्णित भूमि में हितवध है उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन जारी की गई अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन विछाई जाने के लिए उपयोग के अधिकार के अर्जन के संबंध में सक्षम प्राधिकारी, रिलाएंस गैस पाइपलाइन्स लिमिटेड, 16-23-60, रोड नंबर 1, अयोध्या नगर, डइरी फार्म सेंटर, ककिनाडा, पूर्वी गोदावरी जिला, आन्ध्रप्रदेश - 533 001 को लिखित स्म में आक्षेप भेज सकेगा ।

अनुसूचि				
मंडल: ताल्लारेव		जिला : ईस्ट गोदावरी		राज्य : आन्ध्र प्रदेश
गाँव का नाम	सर्वे सं/ सब डिविजन सं	आर ओ यू अर्जित करने केलिए क्षेत्रफल		
		हेक्टेयर	एयर	सि एयर
1	2	3	4	5
1) मल्लवरम	114	0	10	70
	118/ 1*	2	42	70
	118/2	0	28	40
	600/6ए	0	35	75
	600/6सि	0	16	15
	601/1	0	94	95
	603	0	21	55
	604	0	75	25
	605	0	36	70
	617/1	0	09	40
	618/1	0	45	30
	618/2	0	06	85
	618/3	0	45	30
	620	1	46	70
	627/4	0	00	30
	628	0	25	65
	629	0	47	55
	630	0	40	15
	631/10	0	01	60
	631/11/ए	0	00	45
	631/11/बी	0	00	10
	631/2	0	42	70
	631/3	0	35	10
	631/4	0	14	15
	631/5	0	65	05
	631/6ए	0	21	00
	631/6बी	0	02	80
	631/7	0	07	00
	631/8	0	07	45
	631/9ए	0	02	50

1	2	3	4	5
1) मल्लवर्म (निरंतर)	831/9वीं	0	03	10
	655	0	13	96
	656	0	35	45
	857	0	34	80
	858/1	0	08	40
	658/2	0	31	20
	658/3	0	00	85
	658/4	0	05	70
	659/2	0	21	75
	859/3	0	10	30
	660/2	0	03	60
	660/3	0	08	95
	651	0	22	75
	662/3	0	21	50
	663	0	21	50
	664/1	0	12	75
	664/2	0	07	70
2) पोलेकुरु	214/2 *	0	23	05
	659	0	28	95
	660	0	87	70
	664	0	02	40
	665	0	51	10
	684	0	01	40
	685	0	48	05
	688	0	03	76
मंडल: काजुलु	जिला : ईस्ट गोवाजी			राज्य : आन्ध्र प्रदेश
1) काजुलु	557/1	0	01	90
	32/3	0	05	80
	453*	0	00	10
2) तरसपूडि	113	0	00	10
3) जगन्नादगिरि	242/1	0	21	40

1	2	3	4	5
मंडल: करपा	जिला : ईस्ट गोदावरी			राज्य : आन्ध्र प्रदेश
1) वेमूलवाडा	59/3	0	00	10
	435	0	07	50
	436/1	0	03	40
	436/2	0	03	25
	439/3	0	00	95
	439/4	0	01	95
	439/35	0	01	95
	439/36	0	00	95
	439/37	0	04	30
	439/38	0	05	20
	439/39	0	03	80
	439/44	0	09	80
	444/2बी	0	23	45
	444/3	0	09	85
	444/5	0	11	75
	444/7	0	13	35
	445/1	0	03	10
	445/2	0	01	80
	445/3	0	02	00
	445/5	0	02	35
	465/1	0	09	25
	465/18	0	01	25
	465/19	0	02	55
	465/21	0	00	75
	465/22	0	03	60
	465/23	0	02	35
	465/25	0	08	80
	465/26	0	02	25
	465/27	0	11	55

1	2	3	4	5
2) वेमूलवाडा (निरंतर)	465/28	0	09	40
	468	0	04	55

* का.आ. 3399, दिनांक: 18-10-2002 द्वारा पी.एम.पी. ऐक्ट, 1962 की धारा 3 की उपधारा (1) के अन्तर्गत सूचित किये गये सर्वे नंबर। इस प्रतिपादन नया विस्तीर्ण केलिए

[फा. सं. एल-14014/45/2002-जी.पी.]

एस. बी. मण्डल, अवर सचिव

New Delhi, the 20th July, 2006

S. O. 2797.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of the natural gas from the exploration blocks in the Northern/Southern Offshore of Goa and structures in Andhra Pradesh of M/s Reliance Industries Limited, the promoter company of M/s Reliance Gas Pipelines Limited, formerly known as M/s Gas Transportation and Infrastructure Company Limited to the various consumers of East Godavari District in the State of Andhra Pradesh, a pipeline should be laid by M/s Reliance Gas Pipelines Limited;

And whereas, it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which are described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962(50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of the notification as published in the Gazette of India under sub-section (1) of section 3 of the said Act, are made available to the general public, object in writing to the acquisition of right of the user therein for laying the pipeline under the land to Competent Authority, Reliance Gas Pipelines Limited, D. No : 16-23-60, Road No. 1, Ayodhya Nagar, Dairy farm Centre, Kakinada, East Godavari District-533 001, Andhra Pradesh State.

Schedule**Mandal : Tallarevu****District : East Godavari****State : Andhra Pradesh**

Village	Survey No./Sub-Division No.	Area to be acquired for ROU		
		Hectare	Are	C-Are
1	2	3	4	5
1) Mallavaram	114	0	10	70
	118/1*	2	42	70
	118/2	0	28	40
	600/6A	0	35	75
	600/6C	0	16	15
	601/1	0	94	95
	603	0	21	55
	604	0	75	25
	605	0	36	70
	617/1	0	09	40
	618/1	0	45	30
	618/2	0	06	85
	618/3	0	45	30
	620	1	46	70
	627/4	0	00	30
	628	0	25	65
	629	0	47	55
	630	0	40	15
	631/10	0	01	60
	631/11/A	0	00	45
	631/11/B	0	00	10
	631/2	0	42	70
	631/3	0	35	10
	631/4	0	14	15
	631/5	0	65	05
	631/6A	0	21	00
	631/6B	0	02	80
	631/7	0	07	00
	631/8	0	07	45
	631/9A	0	02	50

1	2	3	4	5
1) Mallavaram (Contd...)	631/9B	0	03	10
	655	0	13	95
	656	0	35	45
	657	0	34	80
	658/1	0	08	40
	658/2	0	31	20
	658/3	0	00	85
	658/4	0	05	70
	659/2	0	21	75
	659/3	0	10	30
	660/2	0	03	60
	660/3	0	08	95
	661	0	22	75
	662/3	0	21	50
	663	0	21	50
	664/1	0	12	75
	664/2	0	07	70
2) Polekurru	214/2*	0	23	05
	659	0	26	95
	660	0	87	70
	664	0	02	40
	665	0	51	10
	684	0	01	40
	685	0	48	05
	688	0	03	75
Mandal : Kajuluru District : East Godavari State : Andhra Pradesh				
1) Kajuluru	557/1	0	01	90
	32/3	0	05	80
	453*	0	00	10
2) Tarlamapudi	113	0	00	10
3) Jagannadhagiri	242/1	0	21	40

1	2	3	4	5
Mandal : Karapa	District : East Godavari	State : Andhra Pradesh		
1) Vemulavada	59/3	0	00	10
	435	0	07	50
	436/1	0	03	40
	436/2	0	03	25
	439/3	0	00	95
	439/4	0	01	95
	439/35	0	01	95
	439/36	0	00	95
	439/37	0	04	30
	439/38	0	05	20
	439/39	0	03	80
	439/44	0	09	80
	444/2B	0	23	45
	444/3	0	09	85
	444/5	0	11	75
	444/7	0	13	35
	445/1	0	03	10
	445/2	0	01	80
	445/3	0	02	00
	445/5	0	02	35
	465/1	0	09	25
	465/18	0	01	25
	465/19	0	02	55
	465/21	0	00	75
	465/22	0	03	60
	465/23	0	02	35
	465/25	0	08	80
	465/26	0	02	25
	465/27	0	11	55

1	2	3	4	5
1) Vemulavada (Contd...)	465/28	0	09	40
	468	0	04	55

Survey Nos. notified vide S.O. 3399 dated 18/10/2002 u/s 3(1) of P&MP Act 1962. Present proposal is for additional areas.

[F. No. L-14014/45/2002-G.P.]
S.B. MANDAL, Under Secy.

नई दिल्ली, 20 जुलाई, 2006

का. आ. 2798.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसने इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 4840 तारीख 06 दिसम्बर 2006 द्वारा उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में, मेसर्स रिलाएंस गैस पाइपलाइन्स लिमिटेड एवं मेसर्स गैस ट्रांसपोर्टेशन एंड इन्फ्रास्ट्रक्चर कंपनी लिमिटेड की संप्रवर्तक कंपनी मेसर्स रिलाएंस इंडस्ट्रीस लिमिटेड के गोवा में उत्तरी/दक्षिणी अपतट में खोज बंधों और आन्ध्र प्रदेश में संरचनाओं से आन्ध्रप्रदेश राज्य में नलगोंडा जिले के विभिन्न उपभोक्ताओं तक प्राकृतिक गैस के परिवहन के लिये मेसर्स रिलाएंस गैस पाइपलाइन्स लिमिटेड द्वारा पाइपलाइन विछाने के प्रयोजन के लिये उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियोगिता को तारीख 30 जनवरी 2006 को उपलब्ध करा दी गई थी;

और पाइपलाइन विछाने के संबंध में, जनता की ओर से प्राप्त आक्षेपों पर सक्षम प्राधिकारी द्वारा विचार कर लिया गया है और अनुज्ञात कर दिया गया;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को उक्त रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात और यह समाधान हो जाने पर उक्त भूमि पाइपलाइन विछाने के लिये अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग कर रहा है, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन विछाने के लिये उपयोग के अधिकार का अर्जन किया जाता है;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग कर रहा है, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाश में केन्द्रीय सरकार में विनिश्चय करने की बजाए, सभी विल्लंगों से मुक्त, रिलाएंस गैस पाइपलाइन्स लिमिटेड को दिया गया है।

अनुसूचि				
गाँव का नाम	सर्वे सं. /सब डिविजन सं.	आर ओ यू अर्जित करने के लिए क्षेत्रफल		
		हेक्टेयर	एयर	सि एयर
1	2	3	4	5
मंडल : मोते	जिल्ला : नलगोंडा	राज्य : आन्ध्रा प्रदेश		
1) नामावरम्	235	0	01	75
मंडल : सूर्यपेट	जिल्ला : नलगोंडा	राज्य : आन्ध्रा प्रदेश		
1) वेंकटरामापुरम्	47	0	30	70

[फा. सं. एल-14014/25/2003-जी.पी.]

एस. बी. मण्डल, अवर सचिव

New Delhi, the 20th July, 2006

S. O. 2798— Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 4640 dated 6th December, 2005, issued under sub section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying pipeline for transportation of natural gas from the exploration blocks in the Northern/Southern offshore of Goa and structures in Andhra Pradesh of M/s Reliance Gas Pipelines Limited formerly known as M/s Gas Transportation and Infrastructure Company Limited, a company promoted by M/s Reliance Industries Limited, to the various consumers of Nalgonda District in the State of Andhra Pradesh :

And whereas the copies of the said Gazette notification were made available to the public on 30-01-2006;

And whereas the objections received from the public to the laying of the pipeline have been considered and disallowed by the Competent Authority;

And whereas the Competent Authority has, under sub-section (1) of section 6 of said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in land, specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said land for laying the pipeline shall, instead of the Central Government, vest on the date of publication of the declaration, in Reliance Gas Pipelines Limited, free from all encumbrances.

Schedule				
Mandal : Mothey		District : Nalgonda		State : Andhra Pradesh
Village	Survey No./Sub-Division No.	Area to be acquired for ROU		
		Hectare	Are	C-Are
1	2	3	4	5
1. Namavaram	235	0	01	75
Mandal : Suryapet		District : Nalgonda		State : Andhra Pradesh
1. Venkataramapuram	47	0	30	70

[F. No. L-14014/25/2003-G.P.]
S.B MANDAL, Under Secy.

नई दिल्ली, 21 जुलाई, 2006

का. आ. 2799.— केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि मध्यप्रदेश राज्य में मांगल्या (इंदौर) संस्थापन से हरियाणा राज्य में पियाला तथा दिल्ली राष्ट्रीय राजधानी क्षेत्र में बिजवासन तक पेट्रोलियम उत्पादों के परिवहन के लिए भारत पेट्रोलियम कार्पोरेशन लिमिटेड द्वारा एक विस्तार पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में, जो इससे उपाबद्ध अनुसूची में वर्णित है, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50), की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के लिए उसमें उपयोग के अधिकार के अर्जन के सम्बन्ध में श्री लाल सिंह, सक्षम प्राधिकारी, मुम्बई — मांगल्या पाइपलाइन विस्तार परियोजना, भारत पेट्रोलियम कार्पोरेशन लिमिटेड, प्लॉट न० 59C, सेक्टर 21 ए, फरीदाबाद— 121001 (हरियाणा) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : बल्लभगढ़		जिला : फरीदाबाद	राज्य : हरियाणा
क्र०	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
1.	सीकरी	53/15/1	0.0255

[फा. सं. आर-31015/2/2005-ओ.आर.-II]

ए. गोस्वामी, अवर सचिव

New Delhi the 21st July, 2006

S. O. 2799— Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Manglya (Indore) terminal in the State of Madhya Pradesh, an extension pipeline to Piyala in the State of Haryana and Bijwasan in the NCT of Delhi should be laid by the Bharat Petroleum Corporation Limited;

And whereas it appears to the Central Government that for the purpose of laying such pipeline it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1954 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule, may, within twenty one days from the date on which copies of the Gazette of India containing this notification are made available to the public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri LAL SINGH, Competent Authority, Mumbai-Manglya Pipeline Extension Project, Bharat Petroleum Corporation Limited, Plot No. 590, Sector 21 A, Faridabad- 121 001 (Haryana)

SCHEDULE

TEHSIL: BALLABHGARH		DISTRICT: FARIDABAD	STATE: HARYANA
S.NO.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
1.	SEEKRI	53/15/1	0.0255

[F. No. R-31015/2/2005-O.R.-II]

A. GOSWAMI, Under Secy.

ગાંધીજીનાં જીવિતકાલનાં તમામ પ્રતિ મેં (માર્ગ) નહીં જાણ્યાં (૬)

क्र.सं.	कम्पाटमेंट संख्या	रेंज	डिवीजन	क्षेत्र हेक्टर में	टिप्पण
1	2549	अम्बिकापुर	दक्षिण सरगुजा	102.76	भाग
2	2572	अम्बिकापुर	दक्षिण सरगुजा	206.18	भाग
3	2573	अम्बिकापुर	दक्षिण सरगुजा	066.56	भाग
ब्लाक 1 योग:-				390.93	हेक्टर

- (1) ग्राम कल्यानपुर (भाग) में अर्जित किए जानेवाले राजस्व वनभूमि प्लॉट संख्यांक: 2200,2380 (भाग),2393(भाग),2394 से 2403,2404 (भाग), 2405 से 2410,2411 (भाग),2423(भाग),
- (2) आरक्षित वन (भाग) में अर्जित किए जानेवाले कम्पार्टमेंट संख्यांक:- 2549 (भाग),2572 (भाग),2573 (भाग).

सीमा वर्णन

क-ख रेखा, कल्यानपुर ग्राम में "क" बिंदु से प्रारंभ होती है और राजस्व वन प्लॉट संख्या 2380,2393, 2404, 2411,2423 से बाद में आरक्षित वन कम्पार्टमेंट संख्या 2549 से होती हुई बिन्दु "ख" पर मिलती है।

ख-ग-घ रेखा आरक्षित वन कम्पार्टमेंट संख्या 2549,2572,2573 से होती हुई बिन्दु "घ" पर मिलती है।

घ-ड.-क रेखा आरक्षित वन कम्पार्टमेंट संख्या 2573 से होते हुए जाती है तत्पश्चात् सड़क की पश्चिमी सीमा के साथ होती हुई आरंभिक "क" बिन्दु पर मिलती है।

अनुसूची निरन्तर ...

ब्लॉक - II

खनन अधिकार

आरक्षित वन

क्रम संख्या	कम्पार्टमेंट नम्बर	रेंज	डिवीजन	क्षेत्र हेक्टर में	टिप्पण
01	2573	अम्बिकापुर	दक्षिण सरगुजा	28.84	भाग
ब्लॉक - II योग:				28.84	हेक्टर
कुल योग: (ब्लॉक I + ब्लॉक II) 390.93 + 28.84 =				419.77 हेक्टर (लगभग)	
या				1037.25 एकड़ (लगभग)	

- (1) आरक्षित वन (भाग) में अर्जित की गई (भाग) कम्पार्टमेंट संख्या: 2573 (भाग).

सीमा वर्णन

च-छ- रेखा कल्यानपुर ग्राम और वन कम्पार्टमेंट संख्या 2573 की सम्मिलित
ज-झ सीमा पर "च" बिंदु से आरंभ होती है और उसी कम्पार्टमेंट से होती हुई बिन्दु "झ" पर मिलती है।

झ-च रेखा कल्यानपुर ग्राम और वन कम्पार्टमेंट संख्या 2573 की भागतः सम्मिलित सीमा से होती हुई आरंभिक बिन्दु "च" पर मिलती है।

[सं.-43015/14/2003-पीआरआईडब्ल्यू]

एम. शहाबुद्दीन, अव्वर सचिव

Ministry of Coal

New Delhi, the 17th July, 2006

S. O. 2800.—Whereas by the notification of the Government of India in the Ministry of Coal, number S.O. 624 dated the 17th February, 2005, issued under section (1) of section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) and published in Part-II, Section 3, sub-section (ii) of the Gazette of India dated the 26th February, 2005 the Central Government gave notice of its intention to acquire the rights to mine, quarry, bore, dig and search for, win work and carry away minerals in the lands measuring 419.77 hectares (approximately) or 1037.25 acres (approximately) in the locality specified in the Schedule appended to that notification;

And, whereas the competent authority in pursuance of section 8 of the said Act, has made his report to the Central Government;

And, whereas, the Central Government after considering the aforesaid report and after consulting the Government of Chhattisgarh, is satisfied that the rights to mine, quarry, bore, dig and search for, win work and carry away minerals in the lands measuring 419.77 hectares (approximately) or 1037.25 acres (approximately) described in the Schedule appended hereto; should be acquired;

Now, therefore, in exercise of the powers conferred by the sub-section (1) of section 9 of the said Act, the Central Government hereby declares that the rights to mine, quarry, bore, dig and search for, win, work and carry away minerals in the lands measuring 419.77 hectares (approximately) or 1037.25 acres (approximately), described in the Schedule appended hereto are hereby acquired.

The plan bearing No: SECL/BSP/GM (Plg)/ Land/ 299 dated the 6th June 2005 of the area covered by this notification may be inspected in the office of the Collector, Surguja (Chhattisgarh) or in the Office of the Coal Controller, 1, Council House, Kolkata 700001 or in the Office of the South Eastern Coalfields Limited (Revenue Section), Seepat Road, Bilaspur- 495006 (Chhattisgarh).

SCHEDULE

**Badauli PSLW Underground Project
Bhatgaon Area, District Surguja, (Chhattisgarh)**

BLOCK - I

Mining Rights
Revenue Forest

Serial number	Name of village	Village number	Tahsil	Distict	Area (in hectares)	Remarks
01	Kalyanpur	48	Surajpur	Surguja	15.43	Part

Reserved Forest

Serial number	Compartment number	Range	Division	Area (in hectares)	Remarks
01	2549	Ambikapur	South Surguja	102.76	Part
02	2572	Ambikapur	South Surguja	206.18	Part
03	2573	Ambikapur	South Surguja	066.56	part
Block - I Total :				390.93	
				hectares	

1) Revenue forest plot numbers acquired in village Kalyanpur, [part]:2200, 2380 (part), 2393 (part), 2394 to 2403, 2404 (part), 2405 to 2410, 2411(part), 2423 (part).

2) Reserved forest compartment numbers acquired (part).
2549 (part), 2572 (part), 2573 (part).

Boundary Description -

A-B Line starts from point "A" in village Kalyanpur and passes through Revenue Forest plot numbers 2380, 2393, 2404, 2411, 2423 then through reserved forest compartment number 2549 and meets at point "B".

B-C-D Line passes through Reserved Forest compartment numbers 2549, 2572, 2573, and meets at point "D".

D-E-A Line passes through Reserved Forest compartment number 2573 then along the western boundary of Road and meets at the starting point "A".

Schedule Continue ...

BLOCK -IIMining Rights
Reserved Forest

Serial number	Compartment number	Range	Division	Area (in hectares)	Remarks
01	2573	Ambikapur	South Surguja	28.84	Part
Block- II Total:				28.84	
				hectares	
Grand total: [Block- I + Block -II] 390.93 + 28.84 = 419.77 hectares (approximately) or 1037.25 acres (approximately)					

(1) Reserved Forest compartment number to be acquired (part).
2573 (part).

Boundary Description. -

F-G-H-I Line starts from point "F" on the common boundary of village Kalyanpur and forest compartment number 2573 and passes through same compartment and meets at point "I".

I-F

Line passes along the partly common of village Kalyanpur and forest compartment number 2573 and meets at the starting point "F".

[No. 43015/14/2003-PRIW]
M. SHAHABUDEEN, Under Secy.

नई दिल्ली, 20 जुलाई, 2006

का. आ. 2801.—केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 7 की उपधारा (1) के अधीन भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्यांक का. आ. 3591, तारीख 30 सितम्बर, 2005 जो भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii) तारीख 8 अक्टूबर, 2005 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट परिक्षेत्र की भूमि और उस पर के समस्त अधिकारों के अर्जन करने के आशय की सूचना दी थी;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 8 अनुसरण में केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार का, पूर्वोक्त रिपोर्ट पर विचार करने के पश्चात् और महाराष्ट्र सरकार से परामर्श करने के पश्चात् यह समाधान हो गया है, कि अनुसूची में वर्णित 340.73 हेक्टर (लगभग) या 841.94 एकड़ (लगभग) माप वाली भूमि और अर्जित ऐसी भूमि में या उस पर के समस्त अधिकार अर्जित किए जाने चाहिए;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 9 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है, कि इससे संलग्न अनुसूची में वर्णित 340.73 हेक्टर (लगभग) या 841.94 एकड़ (लगभग) माप वाली भूमि और अर्जित ऐसी भूमि में या उस पर के सभी अधिकार अर्जित किए जाते हैं;

इस अधिसूचना के अंतर्गत आने वाले क्षेत्र के रेखांक सं. सी.-I (ई) /III/एफआर/744-0206 तारीख 18 फरवरी, 2006 का निरीक्षण कलक्टर, नागपुर (महाराष्ट्र) के कार्यालय में या कोयला नियंत्रक, 1 काउंसिल हाउस स्ट्रीट, कोलकाता (पिन- 700 001) के कार्यालय में या वेस्टर्न कोलफील्ड्स लिमिटेड (राजस्व विभाग), कोल एस्टेट, सिविल लाईन्स, नागपुर - 440 001 (महाराष्ट्र) के कार्यालय में किया जा सकता है ।

अनुसूची

नया सिंगोरी खंड, नागपुर क्षेत्र
जिला नागपुर (महाराष्ट्र)

(रेखांक सं.सी - 1(ई) III /एफआर/744- 0206 तारीख 18 फरवरी, 2006)

क्रम संख्या	ग्राम का नाम	पटवारी सर्किल संख्या	तहसील	जिला	क्षेत्र हेक्टर में	टिप्पणी
1	झोरली	12	पारसिवनी	नागपुर	41.20	भाग
2	साहोली	12	पारसिवनी	नागपुर	125.45	भाग
3	सिंगोरी	12	पारसिवनी	नागपुर	174.08	भाग

कुल क्षेत्र:- 340.73 हेक्टर (लगभग)

या 841.94 एकड़ (लगभग)

ग्राम झोरली में अर्जित किये गये प्लॉट संख्यांक:

97, 98, 99/1- 99/2, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113/1- 113/2, 114, 115, 118, 119, नाला (भाग) ।

ग्राम साहोली में अर्जित किये गये प्लॉट संख्यांक:

3/1- 3/2, 4/1- 4/2, 7, 8/1- 8/2- 8/3- 8/4- 8/5- 8/6, 11, 12, 13, 14/1- 14/2(भाग), 44/1- 44/2- 44/3- 44/4, 46, 47/1- 47/2, 48, 49, 50, 51, 52, 53, 54/1- 54/2, 55, 56, 57, 58, 63, 64, 65/1- 65/2, 66/1- 66/2- 66/3, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77/1- 77/2, 78, 79, 80, 81, 82/1- 82/2, 83/1- 83/2- 83/3, 83/4, 84/1- 84/2- 84/3, 85, 86/1- 86/2, 87/1- 87/2, 88, 89, 90/1- 90/2- 90/3, 91, 92, 93/1- 93/2(भाग), 96, 97, 98, 99, 100, 101, 102, 103(भाग), सड़क (भाग) ।

ग्राम सिंगोरी में अर्जित किये गये प्लॉट संख्यांक:

59/1- 59/2 (भाग), 60/1- 60/2- 60/3(भाग), 66/1- 66/2(भाग), 67, 68/1- 68/2- 68/3(भाग), 71(भाग), 72, 73 नाला (भाग), 77(भाग), 78(भाग), 79/1- 79/2(भाग), 80(भाग), 81(भाग), 82(भाग), 83(भाग), 84/1- 84/2, 85, 86, 87(नाला), 88, 91(नाला), 93/1- 93/2, 95/1- 95/2- 95/3(भाग), 96, 97/1- 97/2, 98, 99, 103 सड़क(भाग), 104 सड़क(भाग), 105/1- 105/2, 106, 107/1- 107/2- 107/3, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133 (नाला), 134/1- 134/2, 135 (नाला), 136, 137, 138, 139, 140 (नाला), 141, 142, 143, 144, 145, 146, 147/1- 147/2, 148/1- 148/2- 148/3, 149, 150, 151, 153, 158, 159/1- 159/2, 160, 161/1- 161/2, 162/1- 162/2- 162/3, 163, 164 सड़क(भाग), 167, 168, 169, 170, 171 सड़क(भाग), 172/1- 172/2- 172/3(भाग), 173, 174, 175, 176, 177, 178/1- 178/2- 178/3, 179, 180, 181, 182, 183, 184 ।

सीमा वर्णन:

क - ख: रेखा बिन्दु "क" से आरम्भ होती है और ग्राम सिंगोरी के प्लॉट संख्या 59/1- 59/2, 60/1 - 60/2- 60/3, 66/1- 66/2, 68/1- 68/2- 68/3, 71 में से गुजरती हुई नाला पार करती है और प्लॉट संख्यांक 77, 78, 79/1- 79/2, 80, 81, 82, 83 में से आगे बढ़ती है और ग्राम सिंगोरी और हिंगणा (बाराभाई) की सम्मिलित ग्राम सीमा पर बिन्दु "ख" पर मिलती है ।

ख - ग: रेखा ग्राम सिंगोरी से होकर ग्राम सिंगोरी और हिंगणा (बाराभाई) की सम्मिलित ग्राम सीमा के साथ गुजरती है और प्लॉट संख्यांक 83, 85, 86, की बाहरी सीमा के साथ गुजरती हुई ग्राम सिंगोरी, हिंगणा (बाराभाई) तथा झोरली की सम्मिलित ग्राम सीमा पर बिन्दु "ग" पर मिलती है ।

- ग - घ: रेखा ग्राम सिंगोरी से होकर ग्राम सिंगोरी और झोरली की सम्मिलित ग्राम सीमा से गुजरती हुई प्लॉट संख्यांक 134/1- 134/2 की बाहरी सीमा के साथ गुजरती हुई ग्राम सिंगोरी तथा झोरली की सम्मिलित ग्राम सीमा को पार करती है और ग्राम झोरली से होती हुई प्लॉट संख्यांक 111, 119, 118, 115, 97 की बाह्य सीमा के साथ गुजरती हुई बिन्दु "घ" पर मिलती है।
- घ - ङ: रेखा ग्राम झोरली से होकर प्लॉट संख्यांक 97, 98 की बाहरी सीमा के साथ गुजरती है और ग्राम झोरली और साहोली की सम्मिलित ग्राम सीमा पर बिन्दु "ङ" पर मिलती है।
- ङ - च: रेखा ग्राम साहोली से होकर प्लॉट संख्यांक 102, 97, 96, 93/1- 93/2(भाग), 86/1- 86/2 की बाहरी सीमा के साथ गुजरती हुई सड़क पार करती है और प्लॉट संख्यांक 63, 64, 46, 58, 57 की बाहरी सीमा के साथ-साथ जाती हुई सड़क पार करती है और प्लॉट संख्यांक 44/1- 44/2- 44/3- 44/4 की बाहरी सीमा के साथ जाती है और बिन्दु "च" पर मिलती है।
- च - छ: रेखा ग्राम साहोली से होकर प्लॉट संख्यांक 14/1- 14/2(भाग), में से जाती हुई प्लॉट संख्यांक 11, 7, 4/1- 4/2, 3/1- 3/2, की बाह्य सीमा के साथ गुजरती है और ग्राम साहोली और सिंगोरी की सम्मिलित ग्राम सीमा पर बिन्दु "छ" पर मिलती है।
- छ-ज-झ-क: रेखा ग्राम सिंगोरी से होकर प्लॉट संख्यांक 181, 179, 182, 183, 184, 172/1- 172/2- 172/3 की बाहरी सीमा के साथ गुजरती हुई सड़क पार करती है और प्लॉट संख्या 167 की बाहरी सीमा के साथ जाती है और फिर से सड़क पार करती है तथा प्लॉट संख्यांक 158, 159/1- 159/2, 153, 150, 103, 105/1- 105/2 की बाह्य सीमा के साथ गुजरती हुई सड़क पार करती है और प्लॉट संख्यांक 95/1- 95/2- 95/3 में से आगे बढ़ती हुई प्लॉट संख्यांक 93/1- 93/2, 91, 59/1- 59/2 की बाहरी सीमा के साथ जाती है और आरंभिक बिन्दु "क" पर मिलती है।

[सं.-43015/27/2004-पीआरआईडब्ल्यू]

एम. शहाबुद्दीन, अवर सचिव

New Delhi, the 20th July, 2006

S. O. 2801.—Whereas by the notification of the Government of India in the Ministry of Coal No. S.O. 3591 dated the 30th September, 2005 issued under sub-section (1) of section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), (hereinafter referred to as the said Act) and published in the Gazette of India, Part – II, Section 3, Sub-Section (ii), dated the 8th October, 2005, the Central Government gave notice of its intention to acquire the lands and all rights in the locality specified in the Schedule appended to that notification ;

And whereas the competent authority in pursuance of section 8 of the said Act has made his report to the Central Government ;

And whereas the Central Government after considering the report aforesaid and after consulting the Government of Maharashtra is satisfied that the lands measuring 340.73 hectares (approximately) or 841.94 acres (approximately) and All Rights in or over such lands as described in the Schedule appended hereto should be acquired ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 9 of the said Act, the Central Government hereby declares that the land measuring 340.73 hectares (approximately) or 841.94 acres (approximately) and all rights in or over such lands as described in Schedule are hereby acquired;

The plan bearing number C-I(E)III/FR/744-0206 dated the 18th February, 2006 of the area covered by this notification may be inspected in the office of the Collector, Nagpur (Maharashtra) or in the office of the Coal Controller, 1, Council House Street, Kolkata, (Pin 700 001) or in the office of the Western Coalfields Limited (Revenue Department), Coal Estate, Civil Lines, Nagpur – 440 001 (Maharashtra).

Schedule

New Singori Block, Nagpur Area District Nagpur (Maharashtra)

(Plan No. C-I(E)III/FR/744-0206 dated the 18th February, 2006).

Serial Number	Name of village	Patwari circle number	Tahsil	District	Area in hectares	Remarks
1	Dorli	12	Parseoni	Nagpur	41.20	Part
2	Saholi	12	Parseoni	Nagpur	125.45	Part
3	Singori	12	Parseoni	Nagpur	174.08	Part

**Total area : 340.73 hectare (approximately)
or 841.94 acres (approximately)**

Plot numbers acquired in village Dorli :

97, 98, 99/1- 99/2, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113/1- 113/2, 114, 115, 118, 119, Nallah (part).

Plot numbers acquired in village Saholi :

3/1- 3/2, 4/1- 4/2, 7, 8/1- 8/2- 8/3- 8/4- 8/5- 8/6, 11, 12, 13, 14/1- 14/2 (part), 44/1- 44/2- 44/3- 44/4, 46, 47/1- 47/2, 48, 49, 50, 51, 52, 53, 54/1- 54/2, 55, 56, 57, 58, 63, 64, 65/1- 65/2, 66/1- 66/2- 66/3, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77/1- 77/2, 78, 79, 80, 81, 82/1- 82/2, 83/1- 83/2- 83/3- 83/4, 84/1- 84/2- 84/3, 85, 86/1- 86/2, 87/1- 87/2, 88, 89, 90/1- 90/2- 90/3, 91, 92, 93/1- 93/2 (part), 96, 97, 98, 99, 100, 101, 102, 103 (part), Road (part).

Plot numbers acquired in village Singori :

59/1- 59/2 (part), 60/1- 60/2- 60/3 (part), 66/1- 66/2 (part), 67, 68/1- 68/2- 68/3 (part), 71 (part), 72, 73 Nallah (part), 77 (part), 78 (part), 79/1- 79/2 (part), 80 (part), 81 (part), 82 (part), 83 (part), 84/1- 84/2, 85, 86, 87 (Nallah), 88, 91 (Nallah), 93/1- 93/2, 95/1- 95/2- 95/3 (part), 96, 97/1- 97/2, 98, 99, 103 Road (part), 104 Road (part), 105/1- 105/2, 106, 107/1- 107/2- 107/3, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133 (Nallah), 134/1- 134/2, 135 (Nallah), 136, 137, 138, 139, 140 (Nallah), 141, 142, 143, 144, 145, 146, 147/1- 147/2, 148/1- 148/2- 148/3, 149, 150, 151, 153, 158, 159/1- 159/2, 160, 161/1- 161/2, 162/1- 162/2- 162/3, 163, 164 Road (part), 167, 168, 169, 170, 171 Road (part), 172/1- 172/2- 172/3 (part), 173, 174, 175, 176, 177, 178/1- 178/2- 178/3, 179, 180, 181, 182, 183, 184.

Boundary description :

- A – B : Line starts from point 'A' and passes through village Singori and proceeds through plot numbers 59/1- 59/2, 60/1- 60/2- 60/3, 66/1- 66/2, 68/1- 68/2- 68/3, 71 crosses nallah then proceeds through plot numbers 77, 78, 79/1- 79/2, 80, 81, 82, 83 and meets on common village boundary of villages Singori and Hingna (Barabhai) at point 'B'.
- B – C : Line passes through village Singori along with the common village boundary of villages Singori and Hingna (Barabhai) along the outer boundary of plot numbers 83, 85, 86 of village Singori and meets on common village boundary of villages Singori, Hingna (Barabhari) and Dorli at point 'C'.
- C – D : Line passes through village Singori along the common village boundary of villages Singori and Dorli and the outer boundary of plot numbers 134/1- 134/2 then crosses village boundary and passes through village Dorli along the outer boundary of plot numbers 111, 119, 118, 115, 97 and meets at point 'D'.
- D – E : Line passes through village Dorli along the outer boundary of plot numbers 97, 98 and meets on common village boundary of villages Dorli and Saholi at point 'E'.
- E – F : Line passes through village Saholi along the outer boundary of plot numbers 102, 97, 96, 93/1- 93/2, 86/1- 86/2 crosses road then proceeds along the outer boundary of plot numbers 63, 64, 46, 58, 57 again crosses road then proceeds along the outer boundary of plot numbers 44/1- 44/2- 44/3- 44/4 and meets at point 'F'.
- F – G : Line passes through village Saholi and plot numbers 14/1- 14/2 then proceeds along the outer boundary of plot numbers 11, 7, 4/1- 4/2, 3/1- 3/2 and meets on common village boundary of villages Saholi and Singori at point 'G'.
- G-H-I-A : Line passes through village Singori along with the outer boundary of plot numbers 181, 179, 182, 183, 184, 172/1- 172/2 - 172/3 crosses road then proceeds along the outer boundary of plot number 167 again crosses road then passes along the outer boundary of plot numbers 158, 159/1- 159/2, 153, 150, 151, 103, 105/1- 105/2 crosses road then passes through plot numbers 95/1- 95/2- 95/3 and outer boundary of plot numbers 93/1- 93/2, 91, 59/1- 59/2 and meets at starting point 'A'.

[No. 43015/27/2004-PRIW]
M. SHAHABUDEEN, Under Secy.

श्रम और रोजगार मंत्रालय

नई दिल्ली, 26 जून, 2006

का.आ. 2802.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम. सी. सी. एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, भुवनेश्वर के पंचाट (संदर्भ संख्या 75/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-6-2006 को प्राप्त हुआ था।

[सं. एल-22012/224/2001-आईआर (सी-II)]
अजय कुमार गौड़, डैस्क अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 26th June, 2006

S.O. 2802.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (No. 75/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar as shown in the Annexure in the industrial dispute between the management of Mahanadi Coal Fields Ltd., and their workman, received by the Central Government on 23-6-2006.

[No. L-22012/224/2001-IR(C-II)]

AJAY KUMAR GAUD, Desk Officer

ANNEXURE**CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR****PRESENT :**

Shri N.K.R. Mohapatra,
Presiding Officer, C.G.I.T.-cum-Labour Court,
Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 75/2002

Date of Passing Award—5th June 2006

BETWEEN :

The Management of the Director
Personnel, Mahanadi Coal Fields Ltd.,
UCE Burla, P.O., Burla Sambalpur.

... Ist Party-Managements

AND

Their Workman Shri Binayak Prasad Purohit,
At. Bhatra P.O. Dhanupali, Sambalpur.

.... 2nd Party-Workman.

APPEARANCES :

Shri Rabindra Kr.
Rout. For the Ist Party-
Management.
Shri Binayak
Prasad Purohit For Himself-
2nd Party-Workman.

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred by Clause (d) of sub-section (I) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication *vide* their Order No.L-22012/224/2001-IR(C-II), dated 6-9-2002 :—

“Whether the action of the Management of Mahanadi Coal Field Ltd., UCE Burla, Dist. Sambalpur in terminating the services of Shri Binayak Prasad Purohit, Cat.-I Mazdoor from the year 1992 is legal and justified ? If not, to what relief the workman is entitled to?”

2. After receipt of the letter of reference from the Government the workman filed his statement of claim which is found to be more cryptic and unspecific to make out his real problems. However from his evidence and documents produced the following story emerges.

The workman joined the service as an I.T.I. Apprentice Cat.-I in 1987 under the erst while Management of South East Coal Field Limited. He was subjected to in-service training and for this he was posted in Belpahar sub-Area in 1998. Few months later he applied for his transfer and accordingly he was posted in Hirakud Bundia Incline Mine of Rampur sub-Area in may 1989 about one month later he gain applied for his leave on health ground *vide* Ext. -13 stating that his health does not permit him to do the assigned duty. Then he applied for his further transfer and the Management in consideration of the same transferred him *vide* order dated 5-7-1990 (Ext.-10) to Samaleswari Open Cast Project. The workman joined there on 10-7-1990 and continued for sometime as general Mazdoor, Cat-II. But from 28-11-1991 he did not join in his duties continuously. According to him before availing leave he had applied for the same which the management has denied.

3. According to the management the workman remained unauthorizedly absent duties with effect from 28-11-1991 till a departmental proceeding was started in the year 1994. During pendency of the proceeding he was even offered with an opportunity to join in his duties within 10 days from the date of receipt of the letter dated 9-5-1995 (Ext.-E) but in reply thereto he levied a condition to join if he is posted in the office instead against his technical post. He also did not attend the departmental proceeding despite being noticed repeatedly. To ensure his presence in the said proceeding he was issued with repeated registered letters at different stages of proceeding but these letters had returned undelivered with a report that he was not available in his earlier sent home address. As a result he was set ex-parte in the proceeding after a paper publication and after observing due formalities from prescribed under the Standing Order was ultimately dismissed from service *vide* Leter No. 309, dated 15-5-1997 of the Management. In other words, keeping in view the terms of reference. it is

alleged by the management that the workman was never refused employment or terminated in 1992 as alleged in the terms of reference. As the letter of reference is silent about the exact date of such refusal/termination it is further averred by the management that the reference is not maintainable under law and as such the workman is not entitled for any relief either way.

4. On the basis of above pleadings and counter pleadings of the parties the following issues were framed.

ISSUES

1. Whether the reference is maintainable?
2. Whether the action of the management of Mahanadi Coal Fields Limited UCE Burla, Dist. Sambalpur in terminating the services of Shri Binayak Prasad Purohit, Cat. I Mazdoor from the year 1992 is legal and justified?
3. If not, to what relief the workman is entitled?
5. During trial the workman besides examining himself as the sole witness has also produced several documents marked as Ex-1 to 32. From the side of the Management a Senior Personnel Officer who had enquired the departmental proceeding and another officer who was appointed as the Marshalling Officer have been examined and documents marked as Ext.-A to T have been marked.

ISSUE NO.—I & II

6. These issues are taken up together as they are inter-linked.

The law is very much settled that the Tribunal can not travel beyond the terms of reference. Therefore, looking at the terms of reference it is only to be seen whether the workman was ever terminated/refused employment from the year 1992.

7. It is claimed by the workman that he had remained absent from duty from 28-11-1991 after applying for necessary leave, but the same was never considered by the Management. To substantiate the above stand the workman has produced a copy of his said leave application dated 24-11-91 marked Ext.-21. But on perusal of the same it is gathered that the same does not bear any endorsement of the Management in support of the fact that it was delivered to him. On the other hand no postal acknowledgement has been produced by the workman to justify that the same was sent to the Management by post. Contrary to all these the workman during cross examination claims that he had remained absent from duty from 24-11-1991 whereas in his claim statement he has claimed to have had remained on leave from 1-12-1991, all justifying that the workman himself is not sure of the date from which he remained absent. As he has failed to produce sufficient evidence to establish that he had sent an application

(Ext.-21) for leave, it can not be believed that he had remained absent after applying for leave. A reference to his another letter marked Ext. 31 which he had sent to the Management in response to management's letter dated 18-10-1995 gives a clear indication that, he had remained absent without leave from 28-11-1991 as claimed by the management. Be it noted that while making several prayer the workman has alleged that his services has been terminated by the management from the year 1992. But his documents marked Ext.-18, 19, 20 show that during 1992-93 he was in correspondence with the management in regard to disbursement of his salary and for sending necessary records to the Central hospital in connection with his further treatment. Similarly Ext.-E marked on behalf of the management, the receipt of which has been acknowledged by the workman in his letter marked Ext.31, shows that during pendency of the enquiry proceeding initiated in the year 1994 the Management had sent another letter on 9-8-1995 vide Ext.-E asking the workman to join in his duty within 10 days from the date of receipt of the said letter. Ext. F shows that in reply to the said letter the workman had entered into a bargain with the management saying that he will not join in any technical post unless he is posted in the office. This clearly indicates that the workman was never terminated during the year 1992 and as such he is not entitled for any relief arising out of such alleged termination. It be further noted here that the law is well settled that the terms of reference must be more specific about the date of termination and in absence of the same the reference would be bad under law. As the letter of reference does not contain any such date of alleged termination the reference itself is also otherwise found to be bad and not maintainable.

ISSUE NO III

8. In view of the discussions made above the workman is not entitled either way to get any relief.

9. Reference is answered accordingly.

Dictated & Corrected by me.

N. K. R. MOHAPATRA, Presiding Officer

नई दिल्ली, 26 जून, 2006

का.आ. 2803.-औद्योगिक अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. ई.वी.ए.एअर के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय मुम्बई-II के पंचाट (संदर्भ संख्या 115/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-06-2006 को प्राप्त हुआ था।

[सं एल-11012/133/2000-आई आर (सी-I)]

एस. ए. गुप्ता, अवर सचिव

New Delhi, the 26th June, 2006

S. O. 2803.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 115/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Mumbai-II, now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. EVA AIR and their workmen, which was received by the Central Government on 26-06-2006.

[No. L-11012/138/2000-IR(C-I)]

S. S. GUPTA, Under Secy.

**ANNEXURE
BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2, MUMBAI**

PRESENT

A.A. LAD, Presiding Officer

REFERENCE NO. CGIT-2/115 OF 2001

Employers in relation to the Management of

M/S. EVA AIR

The Station Manager,

M/S. EVA AIR,

405, 4th floor, Rangoli Complex,

Opp. Air Cargo Complex, Sahar Road,

Andheri (East),

MUMBAI-400 099.

AND

THEIR WORKMEN

Shri Joseph Basil Rebello,

B/9, Sahjeevan Co-op. Housing Society Ltd.,

Near Arman Society, Vakola, Santacruz (E),

MUMBAI-400 055.

APPEARANCE:

For the Employer : Mr. D. A. Athavale,
Advocate

For the Workman : Mr. S.I. Kazi & Ms. S.K. Kazi,
Advocates.

Date of reserving Award : 27th April, 2006.

Date of passing of Award : 17th May, 2006.

AWARD

The Under Secretary to the Government of India (Bharat Sarkar), Ministry of Labour, New Delhi, referred

the dispute to this Tribunal regarding Mr. Joseph B. Rebellow inviting remarks of this Tribunal to state:

“Whether the action of the management of EVA Air, Mumbai in terminating the services of Mr. Rebellow Joseph Basil with effect from 1-12-1999 is legal and justified? If not to what relief is the workman concerned entitled?”

2. The said dispute is referred under Section 14 and Section 10 (1)(g) and Section 2(A) of Section 10 of Industrial Disputes Act, 1947 inviting findings of this Tribunal regarding termination effected on Mr. Rebellow Joseph.

3. To challenge the termination, under the reference, dated 1st December, 1999 and to claim that, it is not justifiable as well as not legal 2nd Party made out the case that, he was terminated without following due process of law. According to him he joined as a Cargo Operation Officer with effect from 25th November, 1998 and worked there till 1st December, 1999. Though he was designated as a Cargo Operation Officer he was performing duties of clerical category. He was attending work of typing, filing, answering queries about import discrepancy or tracing cargo. He was coordinating in cargo handling activities handled by combatta staff. He was preparing document, arranging clearance of cargo, receiving orders of the superiors as well as purchasing stationary, stocking tea, powder sugar, milk, as per the requirements, looking after flight requirements and feeding information, arranging for meals, fuels and makeup call for crew member and also informing Air India Security about arrival. Which he claims that, he was neither having supervisory or managerial powers and he was working under the guidance of his superiors. His duties were falling purely under Section 2(s) of the Industrial Disputes Act, 1947 to call him as a ‘Workman’ At the time of termination of his employment by notice dated 30th November, 1999, no legal dues were offered. Even one month’s notice was not given, nor salary of one month in lieu of the notice was offered. His legal dues were not paid. The termination was effected illegally and without following due process of law. The reason given was not satisfactory. So he prayed that, he be reinstated with benefits of back wages and continuity of service with effect from 1st December, 1999.

4. To dispute the claim First Party filed reply at Exhibit 9 stating that, 2nd Party is not the workman and does not fall under definition of Section 2(s) of Industrial Disputes Act, 1947 to call him as a “Workman” and attract the protection available to the workman. He was appointed as Cargo Operation Officer. It is denied that, he was appointed by the First Party as a Cargo Operation Officer since 25-11-1998 and it is denied that, he was illegally terminated by letter dated 30th November, 1999. It is the case of the First Party that, 2nd Party was appointed on probation for a period of six months with effect from 1-8-1999 and not from 25-11-1998 as alleged by him. According to First Party

appointment order dated 5-11-1998 was issued by Greenways Air & Travel Ltd. and not by First party, Company. According to it said Greenways Air and Travel Limited is the General Sales Agency which is an Indian Company while Eva Airways Corporation i.e. First Party Corporation is a foreign company based in Taipei, Taiwan. Since said 2 companies are independent from each other and have no relation with each other, 2nd party cannot claim any relation with First Party as result of appointment dated 25-11-1998. 2nd party has suppressed the fact of resignation given by him dated 30th June, 1998, It is denied that, First Party terminated 2nd Party Workman without following due process of law. In fact he was appointed on probation as his work was not found satisfactory, he was terminated by letter dated 30th November, 1999. Though one month's salary was offered to him by this letter, however, he did not accept those just to create dispute and seek favour of the Tribunal. Since his work was not satisfactory and since was appointed on probation for a period of six months, it is not necessary to have enquiry and give opportunity to him before terminating him from the employment. They denied that, he is entitled to reinstatement and back wages and continuity of service. So First Party submit that, Reference sent, of the 2nd Party, be rejected.

In view of the above pleadings my Ld. Predecessor framed Issues at Exhibit 13 which I answer as follows:

Issues	Finding
1. Whether management proves that Mr. Rebellow Joseph Basil is not a 'workman' within the Definition of Section 2(s) of the Industrial Disputes Act and therefore the reference is not maintainable?	No
2. Whether the action of the management of EVA Air, Mumbai terminating the services of Mr. Rebello Joseph Basil with effect from 1-12-1999 is legal and justified?	No
3. What relief the workman concerned is entitled to?	As per order below

REASONS:

Issue No.1:

6. 1st Party made out the case that, 2nd Party Mr. Rebello Basil Joseph is not a 'Workman' and does not fall under category of 'Workman' as defined under Section 2(s) of Industrial Disputes Act, 1947. Whereas case made out by the 2nd Party 'Workman' is that he fully fall under the definition of Workman as defined under Section 2(s) of Industrial Disputes Act, 1947. Though he is designated as, 'Cargo Operation Officer' the predominant nature of

his duties, were of clerical category and he was doing typing and filing. He was handling routine correspondence, coordinating activities handled by combatta staff, preparing documents of cargo, attending telephone, arranging stationary for the office purpose and arranging for meals, fuels and make up call for crew member and also informing Air India security about arrival. The entire nature of work of 2nd Party Workman were purely of 'workman' and as such he cannot come out from definition of 'workman'.

7. So let us see the definition of, 'Workman' given under Section 2(s) of Industrial Disputes Act, 1947 which reads as follows:

"2(s) 'workman' means any person (including and apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied, and for the purposes of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute, but does not include any such person—

(i) who is subject to the Air Force Act, 1950 (45 of 1950), or the Army Act, 1950 (46 of 1950), or the Navy Act, 1957 (62 of 1957); or

(ii) who is employed in the police service or as an officer or other employee of a prison, or

(iii) who is employed mainly in a managerial or administrative capacity, or

(iv) who, being employed in a supervisory capacity, draws wages exceeding one thousand six hundred rupees per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature.)"

8. As per definition given under Section 2(s) of Industrial Disputes Act, 1947, 'Workman' means any person (including and apprentice) working in any Industry and doing manual, unskilled skilled technical, operational, clerical or supervisory work for hire or reward. So the various categories of work or duties given in the definition of the Workman under Section 2(s) of Industrial Disputes Act, 1947 including nature of work done by such an employee of supervisory nature or operational and clerical type are also treated as duties of and employee doing those is also called as a 'workman' In the definition there is some exclusion of duties from the definition of workman regarding employee working in Police services or working as Officer or who are working in managerial and administrative capacity or who are doing or employed in the supervisory capacity draws wages exceeding Rs. One thousand six hundred per mensem or their functions must be mainly of managerial nature.

9. Here the salary given of the Workman, definitely exceeds the salary given in definition as his salary is Rs. 10,500 per month which is projected in his Statement of Claim filed at Exhibit 5. As far as his salary is concerned the definition of 'workman' does not attract to his job. But one has to consider said amount was of the time of preparation of the draft of 'workman'. Now there is much change and increase in cost which is considered while offering salary. However, though duties done by him which are of predominant nature, are of clerical category and since he work as a Cargo Operation Officer. When he work as a Cargo Operation Officer and doing clerical work also, simple question arises whether such an employee can be called as a Workman or as an Officer? Here as far as his duties given by him in his Statement of Claim, in para 3 are concern, are not disputed by the 1st Party. It is not the case of the 1st Party that, 2nd Party is not doing typing filing, doing routine correspondence and answering queries, preparing the documents of cargo, attending telephone, purchasing stationary for the office purpose and arranging for meals, looking after flight requirements and feeding information arranging for meals, fuels and make up call for crew member and also informing Air India security about arrival. So all those duties claimed by the 2nd Party Workman are not disputed by the First Party. If we read those as it is, we find those are of predominant nature and most are of clerical category.

10. Besides, it is not the case of the First Party that, he is taking part in the decision making policy. It is not the case of the 1st Party that, he has some power to take decision. It is not the case of the 1st Party that, number of staff is working under him and he is controlling or regulating them as per his own plans which is binding on the 1st Party. It is not the case of the 1st party that, he can recruit any employee or dismiss any of them. Even it is not the case of the 1st Party that, he can write Confidential Report and on his Confidential Report decision is taken into consideration by the employer regarding the employment of the Workman working under him. Simply he is a Cargo Operator who has to decide which cargos are to be sent by which flight and in my considered view that, decision making power to send cargo by a particular flight is not that much important as far as business activities or policy matter of status of the 1st Party is concerned. Employee, who is an officer, definitely have much power who is consulted by the policy taking body. Such an employee must have that much importance without whom any decision cannot be taken by the employer. In the instant case no specific case is made out by the First Party, employer, to show that, 2nd Party Workman is playing that much role and he is helping in taking decision or his decisions are binding as far as decision of the 1st Party is concerned and that cannot be ignored. When that, is not there, and when 2nd Party employee is not concerned regarding policy making by the employment in that,

category and merely because he is getting salary of Rs. 10,500 and plus and where he is called as a Cargo Operation Officer, in my considered view. He is not more than a Clerk and not doing any other important and valuable work than clerical work just to clear up the cargo from the storage store of the First Party and sends it to the addressee or the owner of it. So, status, work attended by 2nd Party and duties allotted to him on which he was appointed, does not bring him out of the definition of the workman under Section 2(s) of Industrial Act, 1947. So I conclude that 2nd Party is a Workman.

ISSUE NO. 2

11. Second Party made out a case that, he was terminated by an order dated 30-11-1999 by giving immediate effect to it. According him one month's notice was not given. No enquiry was conducted. Charge sheet was not served. No reason was given as to why he was terminated. According to him he completed his probation satisfactorily and without any reason he was terminated. Whereas case of the First party is that, he was appointed on probation and since his probation came to an end he was terminated. Since his work was found unsatisfactory during the probation, no question arises to issue charge sheet and give notice. Actually salary of one month was given in lieu of notice. Even it is mentioned in the termination order. However, 2nd Party did not accept it to facilitate him to harass the 1st Party. Besides he was not employee of the EVA Airways Corporation right from 25-11-1998. He was appointed by EVA Airways Corporation i.e. by 1st Party by letter dated 1-8-1999 and not from 25-11-1998 as claimed by 2nd Party Workman. Even EVA Airways Corporation, 1st Party, and Greenways Air and Travel Ltd. are two different entity. Greenways Air and Travel Ltd. is Indian company whereas EVA Airways Corporation is of Taiwan nation. According to 2nd Party workman Green Air and Travel Agency and EVA Airways Corporation are the sister companies. They are related with each other and are controlled by each other. They are one and the same. Even 1st Party referred to the services done by the 2nd Party Workman in its appointment and then gave appointment order dated 1st August, 1999 just to harass him and deprive from legal claim the 1st Party is claiming different entity with Green Air and Travel Agency.

12. To support that 2nd Party examined himself at Exhibit 17 by way of affidavit and filed closing purshis at Exhibit 18 whereas 1st Party examined Ranjan J. Sirkar at Exhibit 20 and in the form of affidavit in lieu of examination in chief filed closing purshis at Exhibit 22. In the cross 2nd Party Workman admits that, appointment letter dated 25th November, 1998 (Exhibit-A) was given by Green Air and Travel Limited which is different than EVA Airways Corporation. He also admits that, EVA is incorporated in Taiwan whereas Green Air and Travel Limited is Indian Company. He admits that, appointment letter Exhibit A was

issued by EVA Airways Corporation. Whereas First Party's witness in the cross admits that, 2nd Party was paid by EVA Airways Corporation and was reporting to Air Port Manager and was responsible for the loading and unloading of cargo in the Air lines.

13. If we peruse the documents like appointment letter dated 25-11-1998 filed at Exhibit "A", we find on letter-head name of EVA Airways Corporation and as well as Green Air and Travel Limited, is printed. Then letter dated 1st August, 1999 (Exhibit B) is on letter-head of EVA Airways referring the previous service mention as follows:

"You had been passed the probation and appointed as the Cargo Traffic Officer from first of August. The terms and conditions are as follows: . . ."

From these two letters we find, his previous services were considered while giving appointment order dated 1st August, 1999 by EVA AIR i.e. 1st Party. Whereas Exhibit A reveals that, said appointment letter dated 25th November, 1998 was on the letter-head of Greenways Air & Travel Pvt. Ltd. as well as bearing name of EVA Air. It is not explained how and why it is like that. The very fantastic arguments were advance by the 1st Party's advocate which I am unable to digest by saying that, due to lack of Knowledge in English language, appointment letter dated 1st August, 1999 mentions the above referred 2 sentences regarding probation and appointment of the 2nd Party Workman. If that is so, question arises how Exhibit "A" bears name of EVAs and how it is mentioned in the appointment letter dated 1st August, 1999 regarding probation completed by 2nd Party Workman? The Company who is doing work at international level, can have a excuse of poor knowledge of English? In my considered view 1st Party cannot take benefit of it, since Exhibit "A" bears its name and Exhibit "B" refer the probationary period done by the 2nd Party Workman. So, if we read both those together and count the services of the 2nd Party Workman from 25th November, 1998 till he was terminated by letter dated 30th November, 1999 we find 2nd Party has completed more than 240 days to call him as a deemed employee. When he is deemed employee, he cannot be terminated as terminated in the instant case. It is admitted fact that, neither charge sheet was served nor notice given of one month. Even it is clear from the record that salary of one month in lieu of one month notice was not given or deposited by the 1st Party to show that, it has shown willingness to offer legal salary of one month in lieu of the notice. Instead of simply mentioning in the termination letter that, he will be paid one month's salary in lieu of notice, and when it is a matter of record that it was not send or paid which is pre-condition to give such a termination and retrenchment compensation was not paid as required under Section 25(f) of the Industrial Disputes Act, 1947 reveals 1st Party has violated said while terminating services of the 2nd Party.

14. Pausing for a moment, as per the case of the 1st Party, 2nd Party was on probation when he was terminated on that, number of citations are referred by the 2nd Party Workman to show that the termination is not legal. The citation published in 2002(4) L.L.N. page 382, in which Madras High Court while deciding the case of P. Gopal v/s 1. The Presiding Officer, Principal Labour Court and another observed that, without following Section 2 (00), (bb) and provision of Section 25 (f) employee though on probation cannot be terminated. The citation published in F.L.R. 1979(3) p. 24 while deciding the case of Dy. General Manager v/s M. Shasidan and ors. Kerala High Court observed that:

"In a case where a probationer whose service is liable to be terminated if it is found unsatisfactory is discharged from service on the basis that it is so found it is not a termination on account of any misconduct on the part of the employee. Therefore, in such a case there is no need to hold an enquiry. A probationer holds his office on trial, and it is one of the conditions of his probation that his confirmation depends on his completing satisfactory service during the period of probation. His work and conduct are liable to be watched during the period and it is the assessment of such work and conduct that ultimately determines the question of confirmation. Therefore, if a decision is taken to terminate his service because his service is not satisfactory to the appointing authority, there need be no enquiry to prove that fact. This position is well-established to call for any discussion. It has been well settled that termination prior to the period of probation would not be proper. Evidently that is because it is an assessment made at the end of the term or period of probation that would justify the decision either to confirm or to terminate. Of course parties can provide otherwise in the agreement."

15. Considering this position and the termination was effected on the 2nd Party Workman during probation, pausing for a moment is not legal still one month's notice require to given. But here no such a notice was given. Besides, salary of one month in lieu of one month was also not paid and offered. Besides, retrenchment compensation was also not given and provisions of Section 25(f) are not followed before effecting such a termination. So I conclude that, decision taken by the First Party in terminating 2nd Party Workman giving effect from 1st December, 1999 is not legal and justifiable. So I answer this issue in negative.

ISSUE NO. 3

16. When termination under the challenge is not legal and proper question arises what relief can be given? Admittedly 2nd Party is not unemployed, as accepted, to claim reinstatement and back wages. In the flow of arguments the Ld. Advocate for the First Party has

submitted that, Second Party has not attended proceedings since he is in Australia. That, statement is not disputed by 2nd Party and his Advocate when he got an opportunity to say something about staying of 2nd Party is staying in Australia. Moreover, it is an admitted fact that, wife of 2nd Party is working in TATA as a HRD. So it shows that, 2nd Party has source of income and not sufferer as a result of this termination. However, fact remains that, termination is illegal since salary of one month was not offered in lieu of notice and he was terminated illegally. To regularize the termination I am of the considered view that, 2nd Party Workman is entitled to get salary of one month i.e. Rs. 10500 only from the First party in the form of salary of one month in lieu of one month's notice. So, I conclude that, 2nd Party is entitled to get only Rs. 10500 from the First Party. Hence, the order :

ORDER

- (a) Reference is partly allowed;
- (b) Prayer of 2nd Party to reinstate him with benefits of back wages is rejected;
- (c) 2nd Party is entitled to get only Rs. 10500 i.e. salary of one month in lieu of the notice, from the First Party;
- (d) In the circumstances there is no order as to costs.

Mumbai,

17th May, 2006.

A. A. LAD, Presiding Officer

नई दिल्ली, 26 जून, 2006

का.आ. 2804.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एअर इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, 1 मुंबई के पंचाट (संदर्भ संख्या 34/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-6-2006 को प्राप्त हुआ था।

[सं. एल-11012/55/2002-आईआर (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 26th June, 2006

S.O. 2804.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (No.34/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Mumbai I now as shown in the Annexure in the industrial dispute between the employment in Relation to the management of Air India and their workman, which was received by the Central Government on 26-06-2006.

[No. L-11012/55/2002-IR(C-1)]

S.S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 MUMBAI

Present :

JUSTICE GHANSHYAM DASS

Presiding Officer

Reference No. CGIT-34 of 2003

PARTIES : Employers in relation to the management of Air India.

AND

Their Workmen

Appearance :

For the Management :	Mr. Kumar Vaidyanathan, Adv.
For the Workman :	Mr. J. P. Sawant, Adv.
	Workman present in person.
	Maharashtra.

Mumbai dated 14th day of June' 2006.

AWARD

This is a reference made by the Central Government in exercise of its powers under clause (d) of sub-section 1 and sub-section 2A of Section 10 of the Industrial Disputes Act 1947 (the Act for short). Vide Government of India, Ministry of Labour, New Delhi Order No. L-11012/55/2002 dt. 8-7-2003. The terms of reference given in the schedule are as follows.

"Whether the action of management of Air India Ltd. in dismissing the services of Shri N. P. Wadkar, Peon w.e.f 24-9-1997 is legal just and fair? If not, to what relief is the workman concerned entitled?"

2. The workman Mr. N.P. Wadkar filed the Statement of Claim dt. 22-8-2003 and contended that he had submitted his explanation dt. 11-4-1996 to the charge sheet dt. 19-3-1996 issued to him and had explained the circumstances for his late attendance. He had no intention to commit any misconduct but he was unable to attend his duty on time on certain occasions because of the circumstances and difficulties those were beyond his control. The mother and other members of the family of the workman were not keeping well and the workman was required to take care of his ailing members of the family. The proportionate wages for the period of his late attendance have already been deducted by the management. The workman was also late in attendance from December 1995 onwards on account of divergence

of staff bus for which the management had issued the circular dt. 14-5-1996 for condoning the late attendance but the benefit of this circular was not given to the workman. He was very much punctual on his duties from January 1996 onwards. The enquiry proceedings have been assailed on the ground of violation of principles of natural justice. The findings of the Enquiry Officer are alleged to be perverse. Punishment awarded to the workman is very much severe, excessive and disproportionate to the gravity of the misconduct. It is also submitted that the workman has been dismissed from service w.e.f. 01-4-1997 and not w.e.f. 24-9-1997 as mentioned in the terms of reference.

3. The written statement dt. 06-10-2003 is being filed by the Management of Air India Ltd. It is submitted that enquiry is just and fair. The findings are just and fair. There is no violation of principle of natural justice. Since the explanation furnished by the workman for his late attendance was not found to be satisfactory, the domestic enquiry was initiated. The workman fully participated in the domestic enquiry along with his Defence Representative. He remained present on each and every date of the enquiry proceedings. Every opportunity of hearing was given to him. The explanation furnished by the workman for late attendance was not found to be satisfactory. The explanation submitted by the workman on the receipt of the report of the Enquiry Officer was considered by the Competent Authority and thereupon a show cause notice was issued to the workman as to why he may not be dismissed. The explanation was considered by the Competent Authority and final order of dismissal was passed in accordance with law. The application for Approval under Section 33(2)(b) of the Act was moved by the Management of Air India before National Industrial Tribunal, Mumbai vide NTB-21 of 1997 which was decided by the Tribunal on 29-7-1999. The enquiry was found to be just and fair. The Tribunal however, held that the punishment inflicted upon the workman was severe and not commensurate to the gravity of the charges. The Tribunal thus ordered for the reinstatement of the workman. This judgement was challenged by the Management before the Honourable High Court of Bombay vide Writ Petition No. 2992 of 1999 reported on 2001 1 CLR 643. The Hon'ble High Court set aside the judgement of the Tribunal for reinstatement and granted the Approval under Section 33(2)(b) of the Act. The workman preferred the Appeal No. 364 of 2001 which was decided by the Hon'ble Division Bench of Bombay High Court consisting of Hon'ble Mr. Justice A.P. Shah and V.J. Tahiramani J.J. The appeal was dismissed on 27-3-2002 with the observations "*In any event prima facie it is not possible to accept the case of the workman that the punishment was excessively harsh or disproportionate. The charge of habitual late coming has been squarely established by the company*

before the enquiry committee. It is an admitted position that the workman reported for duty late on 65 occasions in a short period of 8 months. Besides this even in the past he was found totally irregular in attendance."

4. The workman filed the rejoinder and reiterated the version of the statement of claim.

5. The following issues were framed in this matter :

- (1) Whether the principles of natural justice were followed by the management while conducting disciplinary proceedings against the workman ?
- (2) Whether the findings of the Enquiry Officer are perverse ?
- (3) Whether the punishment of dismissal imposed upon the workman by the Management is disproportionate to the gravity of alleged misconduct ?
- (4) Whether the action of the Management in dismissing the workman is legal, just and fair ?
- (5) What Order ?

6. The workman filed his own affidavit in lieu of his examination in chief and he has been cross examined by the learned counsel for the Management. On the other side, the Management filed the affidavit of Mr. Sanjeev Rodkar, Enquiry Officer in lieu examination in chief. He proved the enquiry proceedings. He has been cross examined by the learned counsel for the workman. The parties have filed certain documents and they have been duly exhibited.

7. I have heard the learned counsel for the parties and gone through the record.

8. FINDINGS :

ISSUE NO. 1 AND 2

The evidence available on record does not show at all that the enquiry in the instant case is not just and fair or that there is any violation of principle of natural justice. The burden lies upon the workman to show some circumstances to show the violation of principle of natural justice. No circumstance whatsoever is being brought on record to justify the conclusion for violation of principle of natural justice. The matter had earlier been investigated in detail by the Tribunal in NTB-21 of 1997 and at that time also the enquiry was held to be just and fair. That finding was not assailed by the workman in any Higher Court. The workman was present along with his Defence Representative during the course of enquiry on each and every date. He was given full opportunity to cross examine the witness produced by the Management. He was given full opportunity to lead

evidence in defence. He was given the copy of the enquiry report and he was also given a show cause notice before passing of the order of dismissal. He was heard in person by the Competent Authority. The explanation for late attendance was not found to be satisfactory by the Competent Authority.

9. Hence, I conclude that enquiry is just and fair. There is no violation of principle of natural justice. The findings of the Enquiry Officer are not perverse.

10. ISSUE NO. 3 AND 4:

The only contention put forth before this Tribunal by the learned counsel for the workman is that this Tribunal has got wide powers under Section 11-A of the Industrial Dispute Act. He submitted that the workman has been charged for late attendance. The workman has explained the circumstances for late attendance. In any view of the matter the punishment of dismissal awarded to the workman is very severe and excessive to the charge of late attendance. The mercy appeal is put forth before me that the workman may be ordered to be reinstated.

11. The workman has been charged for misconduct for late attendance for the period from July 1995 to February 1996. It is the admitted position that the workman remained absent during the aforesaid period on 65 occasions totaling to 46 hours and 35 minutes. This aspect of the matter has been considered by the Hon'ble High Court and the contention of the workman has not found favour. The Tribunal while deciding NTB-21 of 1997 found that the enquiry was just and fair but the punishment of dismissal was severe. The learned Single Judge while deciding the writ petition filed by the management of Air India held that the Tribunal had no jurisdiction to consider the adequacy of the punishment while deciding the application under Section 33(2)(b) of the Industrial Dispute Act but, after discussing all the aspects of matter at length also held that the punishment awarded was just and proper. It was not found to be harsh or excessive. The appeal preferred by the workman before the Hon'ble Division Bench of the Hon'ble High Court of Bombay resulted in dismissal. The Hon'ble Division Bench agreed with the judgement of the learned Single Judge. It further considered the adequacy of the punishment. It held that in any event prima facie it is not possible to accept the case of the workman that the punishment was excessively harsh or disproportionate. The charge of habitual late coming has been squarely established and the workman reported for duty on 65 occasions in a short period of 8 months.

12. It is true that the aforesaid judgements have been passed by the the Hon'ble High Court on the Application moved by the Air India under Section 33(2)(b) of the Act but it is a fact that the Hon'ble Single Judge and also the Hon'ble Division Bench considered the adequacy of the punishment too and held that it is not excessive or harsh. In view of the powers conferred by the Act under section 11-A this Tribunal would have been inclined to order the reinstatement of

the workman without back wages but the rule of judicial propriety does not warrant for passing of such an order and thereby undo the judgement of the Hon'ble Division Bench of the High Court which became final in March 2002.

13. In view of the above, I conclude that the punishment of dismissal of the workman is not disproportionate to the gravity of the misconduct and that the action of the Management in dismissing the workman is just and fair.

14. ISSUE NO. 5 :

In view of the aforesaid findings the workman is not entitled to any relief by this Tribunal.

15. The Award is made accordingly.

Justice GHANSHYAM DASS, Presiding Officer

नई दिल्ली, 27 जून, 2006

का.आ. 2805.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नं. I, चंडीगढ़ के पंचाट (संदर्भ संख्या 213/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-6-2006 को प्राप्त हुआ था।

[सं. एल-40012/25/2001-आईआर (डी यू)]
सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 27th June, 2006

S.O. 2805.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.213/2001) of the Central Government Industrial Tribunal-cum-Labour Court, No. I, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 27-6-2006.

[No. L-40012/25/2001-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE SHRI RAJESH KUMAR, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH

Case No. LD. 213/2001

Sh. Jatinder S/o Sh. Anand Kishore,
C/o Sh. N. K. Jeet,
27349, Lal Singh Basti Road,
Bhatinda (Punjab.) 151001

.....Applicant

Versus

1. The General Manager, Telecom,
Amritsar (Punjab) 143001Respondent

APPEARANCES :

For the workman : Sh. R. S. Rana
For the management : Sh. G.C. Babbar

AWARD

Passed on 30-5-2006

Central Govt. vide Notification No. L-40012/25/2001/IR (D.U.) dated 27-4-2001 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the Management of General Manager, Telecom, Amritsar in termination of services of Jatinder S/o Sh. Anand Kishore is just and legal ? If not, to what relief the workman is entitled and from which date ?"

2. The case taken up in Lok Adalat at the request of the parties. The authorised representative of workman Shri R.S. Rana withdraw the present reference vide his statement recorded on 30-5-2006. In view of the same, the present reference is returned as withdrawn in Lok Adalat. Central Govt. be informed. File be consigned to record.

Chandigarh.

30-5-2006 RAJESH KUMAR, Presiding Officer
नई दिल्ली, 27 जून, 2006

का.आ. 2806.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नं. I, चंडीगढ़ के पंचाट (संदर्भ संख्या 81/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-6-2006 को प्राप्त हुआ था।

[सं. एल-40012/539/2000-आईआर (डी यू)]
सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 27th June, 2006

S.O. 2806.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref.No.81/2001) of the Central Government Industrial Tribunal-cum-Labour Court, No. I, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 27-6-2006.

[No. L-40012/539/2000-IR (DU)]
SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE SHRI RAJESH KUMAR, PRESIDING
OFFICER, CENTRAL GOVT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH**

Case No. LD. 81/2001

Smt. Kulbir Kaur,
D/o Late Sh. Dhian Singh,
C/o Sh. N. K. Jeet,
27349, Lal Singh Basti Road,
Bhatinda (Punjab.) 151001Applicant

Versus

1. The General Manager, Telecom,
Amritsar (Punjab) 143001Respondent

APPEARANCES :

For the workman : Sh. R. S. Rana
For the management : Sh. G.C. Babbar

AWARD

Passed on 30-5-2006

Central Govt. vide Notification No. L-40012/539/2000/IR (D.U.) dated 31-1-2001 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the Management of General Manager, Telecom, Amritsar in termination of services of Smt. Kulbir Kaur, D/o Late Sh. Dhian Singh is just and legal ? If not, to what relief the workman is entitled and from which date ?"

2. The case taken up in Lok Adalat at the request of the parties. The authorised representative of workman Shri R.S. Rana withdraw the present reference vide his statement recorded on 30-5-2006. In view of the same, the present reference is returned as withdrawn in Lok Adalat. Central Govt. be informed. File be consigned to record.

Chandigarh.

30-5-2006 RAJESH KUMAR, Presiding Officer
नई दिल्ली, 27 जून, 2006

का.आ. 2807.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नं. I, चंडीगढ़ के पंचाट (संदर्भ संख्या 211/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-6-2006 को प्राप्त हुआ था।

[सं. एल-40012/23/2001-आईआर (डी यू)]
सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 27th June, 2006

S.O. 2807.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.211/2001) of the Central Government Industrial Tribunal-cum-Labour Court, No. I, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 27-6-2006.

[No. L-40012/23/2001-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE SHRI RAJESH KUMAR, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH**

Case No. I.D. 211/2001

Sh. Ashok Kumar,
S/o Sh. Mohinder Pal,
C/o Sh. N. K. Jeet,
27349, Lal Singh Basti Road,
Bhatinda (Pb.) 151001

.....Applicant

Versus

1. The General Manager, Telecom,
Amritsar (Punjab) 143001

.....Respondent

APPEARANCES :

For the workman : Sh. R. S. Rana
For the management : Sh. G.C. Babbar

AWARD

Passed on 30-5-2006

Central Govt. vide Notification No. L-40012/23/2001/IR (D.U.) dated 27-4-2001 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the Management of General Manager, Telecom, Amritsar in termination of services of Ashok Kumar, S/o Sh. Mohinder Pal is just and legal ? If not, to what relief the workman is entitled and from which date ?”

2 . The case taken up in Lok Adalat at the request of the parties. The authorised representative of workman Shri R.S. Rana withdraw the present reference vide his statement recorded on 30-5-2006. In view of the same, the present reference is returned as withdrawn in Lok Adalat. Central Govt. be informed. File be consigned to record.

Chandigarh.

30-5-2006

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 27 जून, 2006

का.आ. 2808.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नं. I, चंडीगढ़ के पंचाट (संदर्भ संख्या 85/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-6-2006 को प्राप्त हुआ था।

[सं एल-40012/521/2000-आईआर (डी यू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 27th June, 2006

S.O. 2808.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 85/2001) of the Central Government Industrial Tribunal-cum-Labour Court, No. I, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 27-6-2006.

[No. L-40012/521/2000-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE SHRI RAJESH KUMAR, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH**

Case No. I.D. 85/2001

Sh. Charanjit Singh,
S/o Sh. Kashmir Singh,
C/o Sh. N. K. Jeet,
27349, Lal Singh Basti Road,
Bhatinda (Pb.) 151001

.....Applicant

Versus

1. The General Manager, Telecom,
Amritsar (Punjab) 143001

.....Respondent

APPEARANCES :

For the workman : Sh. R. S. Rana
For the management : Sh. G.C. Babbar

AWARD

Passed on 30-5-2006

Central Govt. vide Notification No. L-40012/521/2000/IR (D.U.) dated 31-1-2001 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the Management of General Manager, Telecom, Amritsar in termination of services of Sh. Charanjit Singh, S/o Sh. Kashmir Singh, is just and legal ? If not, to what relief the workman is entitled and from which date ?”

2. The case taken up in Lok Adalat at the request of the parties. The authorised representative of workman Shri R.S. Rana withdraw the present reference vide his statement recorded on 30-5-2006. In view of the same, the present reference is returned as withdrawn in Lok Adalat. Central Govt. be informed. File be consigned to record.

Chandigarh.

30-5-2006

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 27 जून, 2006

का.आ. 2809.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नं. I, चंडीगढ़ के पंचाट (संदर्भ संख्या 79/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-6-2006 को प्राप्त हुआ था।

[सं. एल-40012/541/2000-आईआर (डी यू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 27th June, 2006

S.O. 2809.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.79/2001) of the Central Government Industrial Tribunal-cum-Labour Court, No. I, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 27-6-2006.

[No. L-40012/541/2000-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE SHRI RAJESH KUMAR, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH**

Case No. I.D. 79/2001

Sh. Vipin Kumar,
S/o Sh. Sat Pal,
C/o Sh. N. K. Jeet,
27349, Lal Singh Basti Road,
Bhatinda (Pb.) 151001

.....Applicant

Versus

1. The General Manager, Telecom,
Amritsar (Punjab) 143001

.....Respondent

APPEARANCES :

For the workman : Sh. R. S. Rana

For the management : Sh. G. C. Babbar

AWARD

Passed on 30-5-2006

Central Govt. vide Notification No. L-40012/541/2000/IR (D.U.) dated 31-1-2001 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the Management of General Manager, Telecom, Amritsar in termination of services of Sh. Vipin Kumar, S/o Sh. Sat Pal is just and legal ? If not, to what relief the workman is entitled and from which date ?”

2. The case taken up in Lok Adalat at the request of the parties. The authorised representative of workman Shri R.S. Rana withdraw the present reference vide his statement recorded on 30-5-2006. In view of the same, the present reference is returned as withdrawn in Lok Adalat. Central Govt. be informed. File be consigned to record.

Chandigarh.

30-5-2006

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 27 जून, 2006

का.आ. 2810.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नं. I, चंडीगढ़ के पंचाट (संदर्भ संख्या 213/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-6-2006 को प्राप्त हुआ था।

[सं. एल-40012/108/2000-आईआर (डी यू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 27th June, 2006

S.O. 2810.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.213/2000) of the Central Government Industrial Tribunal-cum-Labour Court, No. I, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 27-6-2006.

[No. L-40012/108/2000-IR (DU)]

SURENDRA SINGH, Desk Officer.

ANNEXURE

**BEFORE SHRI RAJESH KUMAR, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH**

Case No. I.D. 213/2000

Sh. Roop Lal, C/o Sh. N. K. Jeet,
President, Telecom Labour Union,
Mohalla Hari Nagar,
Lal Singh Basti Road,
Bhatinda (Pb.) 151001

.....Applicant

Versus

1. The General Manager,
Deptt. of Telecom,
Hoshiyarpur-152001Respondent

APPEARANCES :

For the workman : Sh. R. S. Rana
For the management : Ms. Deepali Puri

AWARD**Passed on 30-5-2006**

Central Govt. vide Notification No. L-40012/108/2000/IR (D.U.) dated 30-5-2000 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the Management of General Manager, Telecom, Hoshiarpur in ordering disengagement/termination of services of Sh. Roop Lal, a workman engaged through Contractor Sh. Ashok Kumar Sharma, w.e.f. 1-3-99 is legal and justified ? if not, to what relief the workman is entitled and from which date ?"

2. The case taken up in Lok Adalat at the request of the parties. The authorised representative of workman Shri R.S. Rana withdraw the present reference vide his statement recorded on 30-5-2006. In view of the same, the present reference is returned as withdrawn in Lok Adalat. Central Govt. be informed. File be consigned to record.

RAJESH KUMAR, Presiding Officer

Chandigarh.

30-5-2006

नई दिल्ली, 27 जून, 2006

का.आ. 2811.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. I, चंडीगढ़ के पंचाट (संदर्भ संख्या 167/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-6-2006 को प्राप्त हुआ था।

[सं. एल-40012/459/99-आईआर (डी यू)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 27th June, 2006

S.O. 2811.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.167/2000) of the Central Government Industrial Tribunal-cum-Labour Court, No. I, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 27-6-2006.

[No. L-40012/459/99-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE SHRI RAJESH KUMAR, PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH**

Case No. I.D. 167/2000

Ms. Paramjit Kaur C/o Sh. N. K. Jeet,
President, Telecom Labour Union,
Mohalla Hari Nagar,
Lal Singh Basti Road,
Bhatinda (Pb.) 151 001Applicant

Versus

1. The General Manager,
Deptt. of Telecom,
Hoshiyarpur-152 001Respondent

APPEARANCES :

For the workman : Sh. R. S. Rana
For the management : Ms. Deepali Puri

AWARD**Passed on 30-5-2006**

Central Government vide Notification No. L-40012/459/99/IR (D.U.) dated 13-3-2000 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of General Manager, Telecom, Hoshiyarpur in ordering disengagement/termination of services of Miss Paramjit Kaur workman engaged through Contractor Sh. Ashok Kumar Sharma, w.e.f. 1-3-99 is legal and justified ? If not, to what relief the workman is entitled and from which date ?"

2. The case taken up in Lok Adalat at the request of the parties. The authorised representative of workman Shri R.S. Rana withdraw the present reference vide his statement recorded on 30-5-2006. In view of the same, the present reference is returned as withdrawn in Lok Adalat. Central Government be informed. File be consigned to record.

Chandigarh.

30-5-2006

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 27 जून, 2006

का.आ. 2812.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. I, चंडीगढ़ के पंचाट (संदर्भ संख्या 395/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-6-2006 को प्राप्त हुआ था।

[सं. एल-40012/332/2000-आईआर (डी यू)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 27th June, 2006

S.O. 2812.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 395/2000) of the Central Government Industrial Tribunal-cum-Labour Court No. I, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 27-6-2006.

[No. L-40012/332/2000-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE SHRI RAJESH KUMAR, PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH**

Case No. LD. 395/2000

Sh. Paramjit Singh,
S/o Sh. Rattan Singh,
C/o Sh. N.K. Jeet,
27349, Lal Singh Basti Road,
Bhatinda (Pb.) 151 005

....Applicant

Versus

I. The General Manager,
Telecom, Amritsar,
(Punjab) 143001

.....Respondent

APPEARANCES :

For the workman : Sh. R. S. Rana
For the management : Sh. G.C. Babbar

AWARD

Passed on 30-5-2006

Central Government *vide* Notification No. L-40012/332/2000-IR (DU) dated 28-9-2000 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the Management of General Manager, Telecom, Amritsar in termination of services of Sh. Paramjit Singh S/o Sh. Rattan Singh is just and legal ? If not, to what relief the workman is entitled and from which date ?”

2. The case taken up in Lok Adalat at the request of the parties. The authorised representative of workman Shri R.S. Rana withdraw the present reference *vide* his statement recorded on 30-5-2006. In view of the same, the present reference is returned as withdrawn in Lok Adalat. Central Government be informed. File be consigned to record.

Chandigarh.

30-5-2006

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 27 जून, 2006

का.आ. 2813.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में निर्योक्त औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. I, चंडीगढ़ के पंचाट (संदर्भ संख्या 393/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-6-2006 को प्राप्त हुआ था।

[सं. एल-40012/330/2000-आईआर (डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 27th June, 2006

S.O. 2813.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 393/2000) of the Central Government Industrial Tribunal-cum-Labour Court, No. I, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 27-6-2006.

[No. L-40012/330/2000-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE SHRI RAJESH KUMAR, PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH**

Case No. LD. 393/2000

Sh. Balraj Singh,
S/o Sh. Lakhbir Singh
C/o Sh. N.K. Jeet,
27349, Lal Singh Basti Road,
Bhatinda (Pb.) 151 005

....Applicant

Versus

1. The General Manager,
Telecom, Amritsar,
(Punjab) 143 001

.....Respondent

APPEARANCES :

For the workman : Sh. R. S. Rana
For the management : Sh. G.C. Babbar

AWARD

Passed on 30-5-2006

Central Government *vide* Notification No. L-40012/330/2000-IR (DU) dated 28-9-2000 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the Management of General Manager, Telecom, Amritsar in termination of services of Sh. Balraj Singh S/o Sh. Lakhbir Singh is just and legal ? If not, to what relief the workman is entitled and from which date ?”

2. The case taken up in Lok Adalat at the request of the parties. The authorised representative of workman Shri R.S. Rana withdraw the present reference *vide* his statement recorded on 30-5-2006. In view of the same, the present reference is returned as withdrawn in Lok Adalat. Central Government be informed. File be consigned to record.

Chandigarh.

30-5-2006

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 27 जून, 2006

का.आ. 2814.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, दूर संचार विभाग के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय नं. I, चंडीगढ़ के पंचाट (संदर्भ संख्या 385/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-6-2006 को प्राप्त हुआ था।

[सं. एल-40012/323/2000-आईआर (डी यू)]
सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 27th June, 2006

S.O. 2814.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 385/2000) of the Central Government Industrial Tribunal-cum-Labour Court No. I, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 27-6-2006.

[No. L-40012/323/2000-IR (DU)]
SURENDRA SINGH, Desk Officer
ANNEXURE

**BEFORE SHRI RAJESH KUMAR, PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH**

Case No. LD. 385/2000

Sh. Rajwinder Singh,
S/o Sh. Amrik Singh,
C/o Sh. N.K. Jeet,
27349, Lal Singh Basti Road,
Bhatinda (Pb.) 151005.

.....Applicant

Versus

1. The General Manager,
Telecom, Amritsar,
(Punjab) 143001.

.....Respondent

APPEARANCES :

For the workman : Sh. R. S. Rana
For the management : Sh. G. C. Babbar

AWARD

Passed on 30-5-2006

Central Government *vide* Notification No. L-40012/323/2000/IR (DU), dated 28-9-2000 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of General Manager, Telecom, Amritsar in termination of services of Sh. Rajwinder Singh S/o Sh. Amrik Singh is just and legal ? If not, to what relief the workman is entitled and from which date ?"

2. The case taken up in Lok Adalat at the request of the parties. The authorised representative of workman Shri R.S. Rana withdraw the present reference *vide* his statement recorded on 30-5-2006. In view of the same, the present reference is returned as withdrawn in Lok Adalat. Central Govt. be informed. File be consigned to record.

Chandigarh.

30-5-2006

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 27 जून, 2006

का.आ. 2815.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय नं. I, चंडीगढ़ के पंचाट (संदर्भ संख्या 387/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-6-2006 को प्राप्त हुआ था।

[सं. एल-40012/320/2000-आईआर (डी यू)]
सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 27th June, 2006

S.O. 2815.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 387/2000) of the Central Government Industrial Tribunal-cum-Labour Court No. I, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 27-6-2006.

[No. L-40012/320/2000-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE SHRI RAJESH KUMAR, PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH**

Case No. I.D. 387/2000

Sh. Jatinder Singh S/o Sh. Surinder Singh,
C/o Sh. N. K. Jeet,
27349, Lal Singh Basti Road,
Bhatinda (Pb.) 151001

.....Applicant

Versus

1. The General Manager, Telecom,
Amritsar (Punjab) 143001Respondent

APPEARANCES :

For the workman : Sh. R. S. Rana
For the management : Sh. G. C. Babbar

AWARD

Passed on 30-5-2006

Central Government vide Notification No. L-40012/320/2000/IR (D.U.) dated 28-09-2000 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of General Manager, Telecom, Amritsar in termination of services of Jatinder Singh S/o Sh. Surinder Singh is just and legal ? If not, to what relief the workman is entitled and from which date?"

2. The case taken up in Lok Adalat at the request of the parties. The authorised representative of workman Shri R.S. Rana withdraw the present reference vide his statement recorded on 30-5-2006. In view of the same, the present reference is returned as withdrawn in Lok Adalat. Central Government be informed. File be consigned to record.

Chandigarh.

30-5-2006 RAJESH KUMAR, Presiding Officer

नई दिल्ली, 27 जून, 2006

का.आ. 2816.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर-संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. I, चंडीगढ़ के पंचाट (संदर्भ संख्या 389/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-6-2006 को प्राप्त हुआ था।

[सं. एल-40012/316/2000-आईआर (डीयू)]
सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 27th June, 2006

S.O. 2816.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 389/2000) of the Central Government Industrial Tribunal-cum-Labour Court No. I, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 27-6-2006.

[No. L-40012/316/2000-IR (DU)]
SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE SHRI RAJESH KUMAR, PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH**

Case No. I.D. 389/2000

Sh. Mukhtar Singh S/o Sh. Tarlochan Singh,
C/o Sh. N. K. Jeet,
27349, Lal Singh Basti Road,
Bhatinda (Pb.) 151001Applicant

Versus

1. The General Manager, Telecom,
Amritsar (Punjab) 143001Respondent

APPEARANCES :

For the workman : Sh. R.S. Rana
For the management : Sh. G.C. Babbar

AWARD

Passed on 30-5-2006

Central Government vide Notification No. L-40012/316/2000/IR (D.U.) dated 28-09-2000 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of General Manager, Telecom, Amritsar in termination of services of Sh. Mukhtar Singh S/o Sh. Tarlochan Singh is just and legal ? If not, to what relief the workman is entitled and from which date ?"

2. The case taken up in Lok Adalat at the request of the parties. The authorised representative of workman Shri R.S. Rana withdraw the present reference vide his statement recorded on 30-5-2006. In view of the same, the present reference is returned as withdrawn in Lok Adalat. Central Government be informed. File be consigned to record.

Chandigarh.

30-5-2006 RAJESH KUMAR, Presiding Officer

नई दिल्ली, 27 जून, 2006

का. आ. 2817.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर-संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-I, चण्डीगढ़ के पंचाट (संदर्भ संख्या 391/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-6-2006 को प्राप्त हुआ था।

[सं. एल-40012/318/2000-आईआर(डीयू)]
सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 27th June, 2006

S. O. 2817.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 391/2000) of the Central Government Industrial Tribunal-cum- Labour Court, No. I, Chandigarh as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workmen, which was received by the Central Government on 27-6-2006.

[No. L-40012/318/2000-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE SHRI RAJESH KUMAR, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH

CASE NO. I.D. 391/2000

Sh. Jagir Singh S/o Sh. Tarlochan Singh C/o Shri N.K. Jeet, 27349, Lal Singh Basti Road Bhatinda, (Pb.) 151005

—Applicant

Versus

1. The General Manager, Telecom., Amritsar, (Punjab) 143001

—Respondent

APPEARANCES

For the workman : Sh. R. S. Rana

For the management : Sh. G. C. Babbar

AWARD**Passed on 30-5-2006.**

Central Government vide notification No. L-40012/318/2000/IR(DU) dated 28-09-2000 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of General Manager, Telecom, Amritsar in termination of services of Sh. Jagir Singh S/o Sh. Tarlochan Singh is just and legal ? If not; to what relief the workman is entitled and from which date?”

2. The case taken up in Lok Adalat at the request of the parties. The authorised representative of workman Shri R. S. Rana withdraw the present reference vide his statement on 30-5-2006. In view of the same, the present reference is returned as withdrawn in Lok Adalat. Central Govt. be informed. File be consigned to record.

Chandigarh.
30-5-2006.

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 27 जून, 2006

का.आ. 2818.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार न्यूक्लियर पावर कॉर्पोरेशन के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-II, मुंबई के पंचाट (संदर्भ संख्या सीजीआईटी-2/54 ऑफ 2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-6-2006 को प्राप्त हुआ था।

[सं. एल-42012/19/2000-आईआर(डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 27th June, 2004

S.O. 2818.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT-2/54 of 2000) of the Central Government Industrial Tribunal-cum- Labour Court, No. II, Mumbai as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Nuclear Power Corporation and their workmen, which was received by the Central Government on 27-6-2006.

[No. L-42012/19/2000-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II, MUMBAI

PRESENT:

A.A. LAD, Presiding Officer

REFERENCE : CGIT-54 OF 2000

Employers in Relation to the Management of Nuclear Power Corporation

General Manager (P & A),
Nuclear Power Corporation,
Vikram Sara Bhawan, Anushakti Nagar,
Mumbai - 400 094.

AND

Their Workmen

Sh. Shambhu Bhagat Sharvati,
C-18, New Mandela, Anushakti Nagar,
Mumbai - 400 094.

APPEARANCE:

For the Employer : Mr. V. H. Kantharia,
i/b M/s. Rajesh Kothari & Co.
Advocates.

For the Workmen : Mr. Jaiprakash Sawant,
Advocate.

Date of reserving Award : 11th May, 2006.

Date of passing of Award : 29th May, 2006.

AWARD—PART II

The matrix of the facts as culled out from the proceeding are as under:

1. The Government of India, Ministry of Labour, by its Order no. L-42012/19/2000-IR(DU) dated 1st June, 2000 in exercise of powers conferred by clause (d) of sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947, have referred the following Industrial Dispute to this Tribunal for adjudication :

“Whether the action of the management of Nuclear Power Corporation Ltd., Mumbai by terminating the services of Mr. Shambhu Bhagat, Steno w.e.f. 2-5-1997 is justified ? If not, to what relief the workman Mr. Shambhu is entitled ?”

2. Workman Bhagat was employed as Stenographer with the Management Corporation from 23rd August, 1993. By Statement of Claim (Exhibit 3) workman pleaded that Corporation placed him under suspension by the order dated 4th September, 1996 and that he was issued charge sheet dated 19th September, 1996 and directed him to deposit Rs. 36,170/- to the accounts section. It is pleaded workman replied the said charge sheet on 26th September, 1996. However, without considering the reply, domestic enquiry was conducted against him. Workman averred that inquiry held against him was not fair and proper. He was not given subsistence allowance at increased rate, Corporation had no authority of law to hold inquiry, he was not given sufficient opportunity and further averred that inquiry officer was bias and that findings recorded by him are perverse. He pleaded that he had preferred appeal against the findings of the inquiry on 11th October, 1999, however, that was turned down on 29th November, 1999. It is pleaded management based on the report dated 22nd April, 1999 holding him guilty illegally dismissed from the services, w.e.f. 23rd August, 1999 and not from 2nd May, 1997 as mentioned incorrectly in the schedule. He pleaded inquiry being unfair management be directed to reinstate him in service with full back wages.

3. The Management Corporation resisted the claim of workman by filing Written Statement (Exhibit 8) contending that the workman while working as junior stenographer by preparing false overtime claims forging the signatures of the officers, draw amount of Rs. 36,170/- thereby committed serious misconduct. It is pleaded that during the period May, 1995 and July, 1996 he prepared bills of overtime, forging the signatures of the Controlling Officer and the Director Corporate Finance and that by the letter dated 4th January, 1996 he admitted the same. It is contended to prefer fraudulent overtime bills amounts to misconduct under the service rules and therefore inquiry was conducted against the workman by giving charge sheet dated 19th September, 1996. It is pleaded giving sufficient opportunity to both parties, inquiry officer recorded the findings and that Disciplinary Authority

hearing the workman, imposed the punishment of dismissal from service upon him. So far subsistence allowance, it is pleaded that workman was paid as per rules and that in accordance with the extent rules and as per the principles of natural justice inquiry was held and that the inquiry being fair and proper and the findings being based on the evidence and the material before are not perverse. Consequently Corporation contended inquiry being fair the claim of the workman be dismissed with costs.

4. By Rejoinder (Exhibit 9) workman reiterated the recitals in the Statement of Claim denied the averments in the Written Statement. He pleaded that he was being compelled to write and sign some papers by Shri H. S. Iyer, Vigilance Officer on 4-9-1996. He averred that he had not committed any misconduct and that inquiry vitiated.

5. On the basis of pleadings issues were framed at Exhibit 11 and in that context workman filed affidavit in lieu of Examination-in-Chief (Exhibit 19) and closed evidence vide purshis (Exhibit 20). Enquiry Officer (Manager P & IR) Mr. Chopra filed affidavit (Exhibit 25) and management closed oral evidence vide purshis (Exhibit 26).

6. Workman filed written submissions (Exhibit 27/29) and the rulings with list (Exhibit 31) and the management (Exhibit 28). On perusing the records, the written submissions and hearing both the counsels preliminary issue of inquiry and perversity of finding were decided 30th January, 2003 holding inquiry fair and finding not perverse.

7. On later part i.e. on punishment reference proceeded. I answer those Issues as follows :

Issue No.	Findings
3. Whether the action of the management of Nuclear Power Corporation Ltd., Mumbai, by terminating the services of Mr. Shambhu Bhagat, steno, w.e.f. 2-5-1997 is just and proper?	Yes
4. If not, what relief the workman Mr. Shambhu is entitled to?	Does not Survive

REASONS:**ISSUE NO. 1 & 2 :**

8. In this instant reference, while deciding Part-I Award, My predecessor observed the domestic enquiry fair and proper. he also observed finding not perverse and directed both the parties to participate for adjudication on remaining issue i.e. issue regarding punishment awarded on 2nd Party Workman.

9. It is a matter of record that 2nd Party was dismissed from the services as a result of finding given by the Enquiry Officer who held him guilty of the charge of misconduct and observed that, he was responsible for withdrawing amount of Rs. 36,170/- in the guise of overtime charges. The charge leveled against the 2nd Party Workman was

that, with the forged signatures of S/Shri A. N. Tandon and K. J. Sebastian he withdrew the amount of Rs. 36,170/- which is a serious type of misconduct. The chargesheet was served on him. he was given an opportunity to explain the charge leveled against him. Accordingly enquiry was conducted. He participated in the enquiry. After examining the witnesses of the 1st Party. Enquiry Officer concluded 2nd Party responsible for the withdrawal of the said amount of Rs. 36,170/- unauthorizedly and held him guilty of the misconduct. On the basis of the said finding 1st Party awarded punishment of termination and it is challenged by 2nd Party. When Party I Award was declared holding 2nd Party Workman guilty of the charges, holding enquiry fair and proper, and finding not perverse, both sides were invited by the Tribunal to lead evidence on the point of punishment. After that 2nd Party examined himself at Exhibit 38 repeating the samethings. he was cross examined by 1st Party's Advocate only on the point of his relief of back wages and continuity of service. In the cross examination 2nd Party Workman admit that, he did not apply anywhere for the job. It was suggested that, he is doing business after termination which he denied. Then 2nd Party filed closing purshis at Exhibit 39 reiterating that, he do not want to lead any evidence on the point of punishment. Against that, 1st Party chose not to lead evidence and filed closing purshis at Exhibit 41. Then 2nd Party submitted his written arguments at Exhibit 42 with citations. 1st Party's Advocate also submitted oral arguments and referred some citations pointing out that, in proved charge of misconduct punishment of termination is just and proper and in that case, Labour Court cannot interfere on the penalty imposed on such an employee.

10. This is the second round of litigation. Here question before us is whether punishment awarded on 2nd Party of termination is just and proper and if not, what relief 2nd Party is entitled as per Issue Nos. 3 and 4 ?

11. It is a matter of record that, enquiry is observed just and proper and finding not perverse. In the said enquiry charge of misconduct was proved against the 2nd Party Workman. However, in his written arguments, at this stage, submitted by 2nd Party Workman at Exhibit 42, he repeated the samethings which he has put in Part I and go on talking, about the fairness of the enquiry and perversity of the find which in fact is not the subject matter at this stage. At this stage subject matter, is whether punishment awarded on 2nd Party Workman of termination is just and proper, if not what relief he can get ?

12. As it is the matter of record that, misconduct of withdrawing Rs. 36,170/- is proved against the 2nd Party Workman. In the inquiry it is observed that, with forged signatures of S/Shri Tandon and Sebastian 2nd Party claimed the overtime allowances. When such an amount was withdrawn by 2nd Party Workman by forging the

signatures of S/Shri Tandon and Sebastian, definitely nature of offence is of very serious nature. It is a matter of record that, said charges were leveled against 2nd Party and Enquiry Officer observed that, those are proved against him. That means, misconduct of fraudulently withdrawing Rs. 36,170/- is proved against him. When it is the misconduct and when it is proved against the 2nd Party Workman, who was working as a Stenographer, with the 1st Party, which is responsible post and against whom such a charge is proved and when such an incident took place in a institute like Nuclear Power Corporation of India Limited which is playing a very important role in the technical filed, in my considered view, when offence is proved such a persons cannot be considered lightly. The citation referred by First Party's Advocate by taking reference of copy of judgment in Civil Appeal No. 8304-8305 of 2002 decided on 25-01-2005, the appeal proceeded in between Bharat Heavy Electricals Limited v/s. M. Chandrasekhar Reddy and Ors. Apex Court observed that, while exercising discretionary powers, one should be slow and while reducing such a punishment one must have a reason to reduce the punishment. In the case referred inter alia the Labour Court reduced the punishment of termination served on the Workman involved in that case and while commenting on that, it was observed by the Apex Court that, there must be strong reason to reduce the punishment of termination. Besides, that another case law was referred to by the 1st Party's Advocate from C.A. No. 5224-25/2000 while deciding case of Janatha Bazar (South Kanara Central Co-operative whole Sale Stores Limited) etc. v/s. the Secretary, Sahakari Noukarara Sangha etc. the Apex Court observed that, in proved act of misappropriation one cannot take it lightly though number of such misappropriation cases remain undisclosed. It is also observed that, misappropriation cannot be rewarded or legalized by reinstatement in service with full or part of back wages. Besides, it is observed that, when misappropriation is proved in such a case question of considering past record of such an employee does not arise while interfering with the punishment awarded on such an employee. In the instant case it is tried to be pointed out that, the past record of the 2nd Party is good. Charge of misappropriation is proved against 2nd Party Workman. So above referred view does not permit to give special consideration to the prayer of the 2nd Party to ignore charge proved and take lenient view.

13. So from the record and case made out by both, it reveals that, 2nd Party did not apply anywhere for job. In fact it is duty and burden on him to show that, he is unemployed and his family sufferers as a result of punishment awarded on him. Even no such specific case is made out by the 2nd Party to show that, due to punishment awarded on him of termination, he and his family sufferers. No doubt burden is on 1st Party to show that, 2nd Party is

employed. but initially such burden is on 2nd Party to show that, he is unemployed and he is in critical financial position. It is a matter of record that, no such case is made out by the 2nd Party and no evidence is led of any type by him on that point. When no case is there and no evidence is on that, point in my considered view, question of reconsidering the punishment awarded on him of termination does not arise. Moreover, it is not pleaded by 2nd Party that, due to this termination he and his family suffers. It is not his case that, due to this termination, he and his family are facing financial crisis and are 'affected very seriously'. On the contrary he states that, he did not apply anywhere and did not try to search for job. When he did not apply and opt for job in my considered view, burden of proving financial condition of 2nd Party does not lie on 1st Party there is no case of 2nd Party of that type. So I conclude that, 2nd Party is not entitled for reinstatement and for any other relief.

14. In view of the discussion made above I conclude that, 2nd Party Workman is not entitled to any relief. Hence I answer the above Issue in the negative and passes the following order :

ORDER

- (a) Reference is rejected;
- (b) No order as to costs.

Mumbai,

29th May, 2006.

A. A. LAD, Presiding Officer

नई दिल्ली, 27 जून, 2006

का. आ. 2819.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टेलीकॉम फैक्ट्री, बी.एस.एन.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-II, मुम्बई के पंचाट (संदर्भ संख्या सीजीआईटी. 58 ऑफ 2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-6-06 को प्राप्त हुआ था।

[सं. एल-40012/114/2000-आईआर(डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 27th June, 2006

S. O. 2819.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT-58 of 2000) of the Central Government Industrial Tribunal-cum-Labour Court, No. II, Mumbai as shown in the Annexure, in the industrial dispute between the Employers in relation to the management of Telecom Factory, BSNL and their workmen, which was received by the Central Government on 27-6-2006.

[No. L-40012/114/2000-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II, MUMBAI

PRESENT : A.A. LAD, Presiding Officer

Reference : CGIT-58 of 2000

Employers in relation to the management of
Bharat Sanchar Nigam Limited

The Chief General Manager,
Telecom Factory,
Bharat Sanchar Nigam Limited,
Deonar, Mumbai 400 088.

And

Their Workmen
The President,
Rashtriya Telecom Employees & Workers Union,
63, Sarith Vishwakarma Nagar,
Mulund (W), Mumbai 400080.
(Rajendrakumar Rajaram Gawde)

Appearance :

For the Employer : Mr. B. M. Masurkar,
Advocate

For the Workmen : Mr. M.V. Palkar,
Advocate

Date of reserving Award :

8th May, 2006

Date of passing of Award :

16th May, 2006.

AWARD-PART I

The matrix of the facts as culled out from the proceeding are as under :

1. The Government of India, Ministry of Labour, by its Order No. L-40012/114/2000-IR(DU) dated 21st June, 2000 in exercise of powers conferred by Clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947, have referred the following Industrial Dispute to this Tribunal for adjudication :

"Whether the action of the management of Telecom Factory now taken over by the Bharat Sanchar Nigam Limited, Deonar, in terminating the services of Sh.R.R. Gawade is justified? If not, to what relief the workman is entitled?"

2. By filing the Statement of Claim, at Exhibit 6, the 2nd Party Workman and General Secretary of the Rashtriya Telecom Employees & Workers Union, submit that, enquiry conducted against 2nd Party Workman viz. R.R. Gawade conducted by following principles of natural justice. No opportunity was given to the 2nd Party Workman to attend the Enquiry. His duties about 60% were manual and 40% were clerical. He was appointed as Planner Grade I Staff

No. 10479/2. Then he was promoted and designated as a Planner Grade I. Though he was designated as Planner I, he was having no authority to appoint anybody or to remove anybody. He had no power to sanction anybody's leave and had no authority to initiate any disciplinary action against any of the workman. He had no authority to sign any Bank account on behalf of the 1st Party and had no authority to withdraw the amount for 1st Party. He was not Constituted Attorney of the 1st Party. His principal duties were of technical and operational in nature and there was no even a stinct of supervisory duties as far as his duties were concerned. He was working as per the instructions received by him from his superiors. False allegations were levelled against him. Farce of enquiry was made by the 1st Party. Enquiry Officer was bias. At that particular time Apex Court treated 1st Party not an Industry. So employee did not attend Inquiry. Later Apex Court decided otherwise and observed 1st Party as an Industry. The finding given by the Enquiry Officer are perverse. The punishment of "compulsory retirement" of 2nd Party Workman is nothing but terminating his employment at the age of 41 years as retirement age with the 1st Party is upto 60 years. So it is submitted that, action taken by First Party in retiring compulsory Second Party Workman by order dated 15th March, 2000 is nothing but terminating him from employment be set aside with the directions to reinstate him with benefits of back wages and continuity of service.

3. This prayer is disputed by the First Party by filing reply at Exhibit 8 stating and contending that, reference is not tenable as subject matter of Reference "Compulsory Retirement" does not fall within the purview of Section under which the Competent Authority send the reference for adjudication. It was not the termination. It is contended that, subject matter of the Reference "Compulsory Retirement" does not fall under the definition of "Termination". This Tribunal has no jurisdiction to give verdict on compulsory retirement. Besides, this it is contended that charge sheet was served on Second Party Workman. Full opportunity was given to 2nd Party Workman 'Gawade' to participate in the enquiry. Enquiry Officer was having foundation to give finding against the 2nd Party Workman. Even the punishment awarded by the Enquiry Officer of termination was reviewed by the Appellate Authority and leniency was shown. In the appeal, 2nd Party was permitted to retire by which he got all retirement benefits i.e. Gratuity, Pension, Provident Fund etc. If at all, he would have been terminated, he could not have got those benefits and as such relief was given to the Second Party Workman by asking him to retire compulsorily.

4. He committed serious offence like commission of misconduct which is of very serious nature. Said charge was levelled and proved against him. Though opportunity was given but he did not utilize it and did not participate in the enquiry as decision to retire 2nd Party Workman,

Gawade, was taken after conducting enquiry, now 2nd Party Workman, Gawade cannot challenge it as subject matter of "compulsory retirement" does not fall within the jurisdiction of this Tribunal. Reference is send presuming that 2nd Party Workman is terminated. Actually said punishment of termination was reviewed by Appellate Authority and he was compulsorily retired. In fact decision of the 1st Party is of compulsory retirement. It ought to have been challenged by 2nd Party. Since the punishment of termination does not subsists, reference sent under said guise be rejected as Tribunal cannot travel beyond subject matter of 'Termination' and give verdict on compulsory retirement.

5. In view of the above pleadings Issues were framed by my Ld. Predecessor at Exhibit 13. Out of those Issue Nos. 1, 2, 4 and 5 i.e. regarding latches in the Reference and Status of 2nd Party as a 'workman' alongwith the point of fairness of enquiry and perversity of the findings are there. Those are answered as follows :

Issues	Findings
1. Whether the domestic Inquiry conducted against the workman was as per the Principles of Natural Justice?	No
2. Whether the findings of the Inquiry Officer are perverse?	Yes
3. Whether the reference suffers from delay and Latches as in para-1 of the Written Statement (Exhibit 8)?	No

REASONS:

Issue Nos. 1 and 2.

6. 2nd Party claims that, enquiry was not conducted by following principles of natural justice. In fact original enquiry proceedings are not placed on record to substantiate the case of the 1st Party that, enquiry was conducted and it was fair and proper. Whereas case made out by the First Party is that, enquiry was conducted which was fair and proper. He was given opportunity to defend his case. However, he refused to participate in the enquiry. It is denied that, Enquiry Officer had predetermined mind to hold him guilty. 2nd Party Workman Jain attended enquiry but stayed away from it with ulterior motive to challenge the action taken by the 1st party to suit his purpose.

7. In that light if we peruse the record placed on record regarding enquiry, we find, the original enquiry proceeding is not placed on record. Xerox copy of the enquiry proceeding is placed on record with Exhibit 13 from page Nos. 1 to 52. If we peruse those we find he did

not participate in the inquiry. He is shown absent on 30th July, 1998. Inquiry Officer's report pages 26 to 38 reveals 2nd Party Gawade did not participate in the inquiry. Witnesses of 1st party were examined but not crossed by 2nd Party and it also reveals he made several correspondence and pointed out decision of Supreme Court that 1st Party is not an "Industry". As far as this position is concerned, it is not disputed even by 1st party. Since Apex Court observed that, First Party MTNL is not an industry by its earlier judgment, there was no point to appear in the enquiry by the 2nd party Workman Gawade. However, later on Apex Court reversed the said view and observed that, First Party is an "Industry". Initially in the guise that, 1st Party is not an industry during that, particular period, as per the decision of Apex Court, there was no point to contest the enquiry proceedings. Even by placing citations published in 1998 I CLR p. 184 the Advocate for 2nd party submitted that, while deciding the case of General Manager, Telecom V/s. S. Srinivasan & Ors. Apex Court held that, the view taken in case of Bombay Telephone Canteen Employees' Association V/s. Union of India-1997 II CLR Page 218—and view taken in case of Sub-Divisional Inspector of Post, Vaikam & Ors. V/s. Theyyam Joseph & Ors. 1996 II CLR page 237 cannot be treated as laying down the correct law. Even this position is not disputed by 1st Party. Above referred correspondence reveals that, Second party did not participate in the enquiry under that guise. Since in 1998 Apex Court observed that, 1st Party is also an industry, record and proceedings reveal that, meanwhile enquiry was completed and he was removed by letter dated 22nd July, 1999. It is matter of record that inquiry was ex-parte—2nd Party did not participate in the inquiry. So all this reveals that, enquiry as expected, was not conducted against Second Party Workman. Even no opportunity was availed to by the 2nd Party Workman Gawade on the guise that, there was no point in taking part in the enquiry, since 1st party does fall under definition of 'Industry' of Section 2(j) of Industrial Disputes Act. Now, it is clear that, 1st Party is 'an industry' by recent judgment of Apex Court published in 1998 I CLR p. 184, General Manager, Telecom V/s. S. Srinivasan & Ors. So in the said set of circumstances definitely Second Party must get an opportunity to participate in the enquiry. As per the enquiry record, at present which is on record, cannot be called an enquiry conducted by following the principles of natural justice. It reveals 2nd Party did not participate in the inquiry. Enquiry was ex-parte. Even it is a matter of record that, enquiry was ex-parte and that fact is mentioned to by 1st Party in Written Argument (Exhibit 39). Stand taken by First Party is that, though opportunity was given to the Second Party, he did not avail it and in that, set of circumstances it had no option but to proceed against 2nd Party Workman ex-parte had to consider in favour of 2nd Party. So this itself reveals that, enquiry was an ex-parte enquiry on the basis of which first decision was taken of

removal and that, was converted into compulsory retirement. The decision taken by the 1st party in above both forms was of very serious nature as by that, services of the Second Party Workman 'Gawade' comes to an end and their relations of employee and employer also comes to an end. So in my considered view, such an action which is taken relying on this type of ex-parte enquiry must be considered minutely as, on the basis of the said enquiry, 1st Party decided to relieve Second Party, from its employment and then compelled him to retire. So for the 1st Party finding of the enquiry was the base to take such a decision. So in my considered view such enquiry cannot be created as good in the eye of law and it require to declared not conducted by following principles of natural justice and proper procedure of the enquiry. Besides, one has to declare that, the finding given by the enquiry Officer on such ex-parte basis has also no ground. So I conclude that, enquiry was not fair and proper and the finding perverse. Accordingly I answer this issue to that effect.

Issue No. 3.

7. The reference sent by the Desk Officer, Government of India, Ministry of Labour, New Delhi, under Sub-clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 is disputed by the First Party alleging that, since 2nd Party Workman involved in the reference by name Gawade was not terminated but was asked to compulsory retire from the services of the 1st Party by way of order of compulsory retirement. Subject matter of the reference is, 'compulsory retirement', of Gawade, the workman, and not the 'termination'. When he is not terminated 2nd Party cannot challenge it. On the 'termination' appeal was referred by 2nd Party before Competent Authority and after reconsidering the grievances made by the 2nd Party Workman, Gawade, the order of 'termination' was converted into "compulsory retirement". According to 1st Party there is difference in 'termination' and 'compulsory retirement'. In the termination employee cannot get benefits of gratuity and other retirement benefits whereas employee who retires gets all other benefits including gratuity, Provident Fund and even can work anywhere since there is no stigma of termination and difference is there between 'termination' and 'compulsory retirement'. The subject matter of the reference though worded as the 'termination' actually it is a 'compulsory retirement' and there was no termination inflicted by 1st Party as referred by the Competent Authority when there is no termination effected on 2nd Party workman by 1st Party reference, is not tenable and the said reference suffers from latches and therefore not maintainable. Whereas 2nd Party Workman's argument is that, there is no much difference between 'termination' and 'compulsory retirement'. Result of both is one and the same i.e. services of the employees comes to an end with the employer. By both these terms the employees and

employers relationships comes to an end and it does not exist. When both gives same result and effect *i.e.* bring full stop in the employment between employer and employee. Even retirement should be read in that spirit of the termination as it gives same result as secured in the termination. Besides, it is submitted that, Section 2(A) of the Industrial Disputes Act which reads as under :

“2(A) : Dismissal etc. of an individual workman to be deemed to be an industrial dispute : Where any employer discharges, dismisses, retrenches or otherwise terminates the services off an individual workman, any dispute or difference between that workman and his employer connected with shall be deemed to be an industrial dispute notwithstanding than no other workman nor any union of workmen is a party to the dispute.”

According him the retirement made by 1st Party of 2nd Party workman Gawade involved in this reference fall under category of “otherwise terminating the services of the individual” and dispute raised by the 2nd Party Workman purely fall under Section 2(A) of Industrial Disputes Act.

8. It is a matter of record that, 2nd Party Workman's services were terminated and when said punitive action was converted by the 1st Party into “compulsory retirement” it is a matter of record that, 2nd Party Workman was compulsorily retired at the age of 41 years when the retirement age in the 1st Party is 60 years. It is not pointed out by the 1st Party in what way Gawade was benefited by converting punishment of termination into compulsory retirement and how it was lesser punishment than the punishment of termination. As suggested and pointed out by 2nd Party's Advocate compulsory retirement cannot be considered less than termination as the result of both is one and the same *i.e.* of an end of the relations between the employer and employee and it gives full stop to it. It is tried to suggest by 1st Party that, as a result of compulsory retirement, 2nd party workman was benefited and definitely said benefits were enjoyed by the Second Party Workman than the punitive action of termination. However, it is not pointed out in what way Second Party was benefited by awarding punishment of compulsory retirement that, too at the age of 41 years, when retirement age was 60 years? When no such benefits are shown by the 1st Party which might have accrued by the 2nd Party Workman as a result of “retirement” “than by termination” as pleaded by 1st party I am of the considered view that, one cannot find such a difference as tried to be made out by the 1st Party as far as employment of the 2nd Party workman Gawade with the 1st Party is concerned. According to me, simple reason behind is that, as a result of ‘compulsory retirement’ at the age of 41, he lost his employment like effecting ‘termination’ of his employment. Besides this, it tried to appoint out by 1st Party that, enquiry proceedings and Conciliation

proceedings were going on parallelly when notice was served and enquiry was initiated. After suspending Second Party Workman Gawade, 2nd Party workman and union raised dispute before ALC and as and when enquiry was in progress Second party workman did not bother to attend the enquiry and lost opportunity of recording the evendence and enquiry officer gave finding holding 2nd Party Workman guilty of the charges and suggested termination. That, was challenged before Conciliation of Officer and at the same time Appeal was preferred by the Second Party before the competent authority to reduce the punishment. The punishment of termination suggesd by the enquiry officer was converted into compulsory retirement. Meanwhile reference came regarding termination. When actually there was no termination, and it is not in dispute that, by virtue of replacement of order of compulsory retirement in place of termination, Reference on the point of termination does not subsist and survives. But as stated above I do not find any different between punishment of ‘compulsory retirement’ and punishment of ‘termination’, as result of both is one and the same. Both brings end of employment of 2nd Party Workman and it ceases his relations with the 1st Party. In my considered view, though reference is sent of termination the subject matter of ‘compulsory retirement’ falls under definition 2(A) under “otherwise termination” and definitely can be entertained by this Tribunal on the basis of the reference sent by the Competent Authority. So I conclude that, the reference does not suffer from any latches as pointed out by the First Party. So I answer this Issue in the negative.

9. In that light if we peruse the record placed on record regarding enquiry, we find, the original enquiry proceeding is not placed on record, Xerox copy of the enquiry proceeding is placed on record with Exhibit 13 from page Nos. 1 to 66. If we peruse those we find by letters dated 17th January, 1998, 3rd February, 1998, 1st April, 1998 and 3rd April, 1998 2nd Party workman Jain informed that, he is not attending the enquiry since the provisions of Industrial Disputes Act are not applicable to First Party MTNL since it is not listed as an Industry within the meaning of Section 3(j) of Industrial Disputes Act. As far as this position is concerned, it is not disputed even by 1st Party, as above letters are referred from the documents filed by the 1st Party at Exhibit 13. Then 2nd Party submit that, since Apex Court observed that, first Party MTNL is not an industry by its earlier judgment, there was no point to appear in the enquiry by the 2nd Party Workman Jain. However, later on Apex Court reversed the said view and observed that, First Party is an “Industry”. Initially in the guise that, 1st Party is not an industry during that, particular period, as per the decision of Apex Court, there was no point to contest the enquiry proceedings. Even by placing citations published in 1998 1 CLR p. 184 the Advocate for 2nd Party submitted that, while deciding the case of General

Manager, Telecom Vs. S. Srinivasan & Ors. Apex Court held that, the view taken in case of Bombay Telephone Canteen Employees' Association Vs. Union of India—1997 II CLR page 218—and view taken in case of Sub-Divisional Inspector of Post. Vaikam & Ors. Vs. Theyyam Joseph & Ors. 1996 II CLR page 237 cannot be treated as laying down the correct law. Even this position is not disputed by 1st Party. Above referred correspondence reveals that, Second Party did not participate in the enquiry under that guise. Since in 1998 Apex Court observed that 1st Party is also an industry, record and proceedings reveal that, meanwhile enquiry was completed on 30th August, 1998 itself and Show Cause Notice was served on 21-10-1998. Then on 6-11-1998, as well as by correspondence dated 27-11-1998 and as per arguments advanced by the 2nd Party, that his removal order was issued by letter dated 24-12-1998. So all this reveals that, enquiry as expected, was not conducted against Second Party Workman. Even no opportunity was availed by the 2nd Party Workman Jain on the guise that, there was no point in taking part in the enquiry, since 1st Party does fall under definition of 'Industry' of Section 2(j) of Industrial Disputes Act. Now it is clear that, 1st Party is 'an industry'. So in the said set of circumstances definitely Second Party must get an opportunity to participate in the enquiry. As per the enquiry record, at present which is on record, cannot be called an enquiry conducted by following the principles of natural justice. Even dates of enquiry reveals that, it was initiated on 26-9-1997 and finding was given on 30-7-1998. Even it is a matter of record, that, enquiry was *ex-parte* and that fact is not disputed by 1st Party also. Stand taken by First Party is that, though opportunity was given to the Second Party it did not avail it and in that, set of circumstances it had no option but to proceed against 2nd Party Workman *ex-parte* has to consider in favour of 2nd party. So this itself reveals that enquiry was an *ex-parte* enquiry on the basis of which first decision was taken of termination and that was converted into compulsory retirement. The decision taken by the 1st Party in above both forms was of very serious nature as by that services of the Second Party Workman Gawade comes to an end and their relation of employee and employer also comes to an end. So in my considered view, such an action which is taken relying on this type of *ex-parte* enquiry must be considered minutely as, on the basis of the said enquiry, 1st Party decided to relieve Second party, from its employment and then compelled him to retire. So for the 1st Party finding of the enquiry was the base to take such a decision. So in my considered view such enquiry cannot be treated as good in the eye of law and it require to declared not conducted by following principles of natural justice and proper procedure of the enquiry. Besides, one has to declare that, the finding given by the Enquiry Officer on such *ex-parte* basis has also no ground. So I conclude that, enquiry was not fair and proper and the finding perverse. Accordingly I answer this issue to that effect.

10. In view of the above discussions carried above I conclude that, ordering 2nd Party Workman Gawade's to remove from the employment and then converting it into 'compulsory retirement' from service does not come in the way of the Second Party to challenge the same under Section 2(k) of Industrial Disputes Act as it is an industrial dispute. I also conclude that enquiry was not fair and proper and finding taken on such an enquiry was perverse, as there was no base before the Enquiry Officer to conclude accordingly. So I pass the following order :

ORDER

- (a) enquiry is not fair and proper and finding is perverse ;
- (b) the reference does not suffer from latches and reference is maintainable;
- (c) 1st Party is directed to lead evidence to prove the charges leveled against the Second Party Workman by appearing on 29th June, 2006.

Mumbai,
16th May, 2006.

A. A. LAD, Presiding Officer

नई दिल्ली, 27 जून, 2006

क्र.आ. 2820.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टेलीकॉम फैक्ट्री, बी.एस.एन.एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नं. II, मुम्बई के पंचाट (संदर्भ संख्या सी जी आई टी-2/43 ऑफ 2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-6-2006 को प्राप्त हुआ था।

[सं. एल-40012/32/2000-आईआर (डी यू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 27th June, 2006

S.O. 2820.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT-2/43 of 2000) of the Central Government Industrial Tribunal-cum-Labour Court, No. II, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Factory, BSNL and their workman, which was received by the Central Government on 27-6-2006.

[No. L-40012/32/2000-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVT. INDUSTRIAL
TRIBUNAL NO. II, MUMBAI****Present :**

A.A. LAD Presiding Officer.

Reference : CGIT-2/43 of 2000Employers in Relation to the Management of Bharat
Sanchar Nigam Limited.The Chief General Manager,
Telecom Factory,
Bharat Sanchar Nigam Limited,
Deonar, Mumbai-400 088.**AND**

Their Workmen

The President,
Rashtriya Telecom Employees & Workers Union,
63, Sarith Vishwakarma Nagar,
Mulund (W), Mumbai-400 080.
(Ashok Kumar Hazarilal Jain)
General Secretary.**APPEARANCES :**For the Employer : Mr. B.M. Masurkar,
AdvocateFor the Workmen : Mr. M.V. Palkar,
Advocate,
Date of reserving Award :
8th May, 2006.Date of passing of Award :
18th May, 2006.**AWARD—PART-I**The matrix of the facts as culled out from the
proceeding are as under :

1. The Government of India, Ministry of Labour, by its Order No. L-40012/32/2000/IR (DU) dated 30th May, 2000 in exercise of powers conferred by Clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947, have referred the following Industrial Dispute to this Tribunal for adjudication :

“Whether the action of the Management of Telecom Factory, now taken over by the Bharat Sanchar Nigam Limited, Deonar, in terminating the services of Sh. A.H. Jain is legal and justified? If not, to what relief the workman is entitled?

2. By filing the Statement of Claim, at Exhibit 6, the 2nd Party Workman and General Secretary of the Rashtriya Telecom Employees & Workers Union, submit

that, enquiry conducted against 2nd Party Workman viz. Ashok kumar Hazarilal Jain was not conducted by following principles of natural justice. No opportunity was given to the 2nd Party Workman to attend the enquiry. That, 2nd Party Workman was drawing salary of Rs. 10,000/ per month and fall under the definition of Workman under Section 2(s) of the Industrial Disputes Act as he did 70% of the duties assigned manually and 30% were clerical. He was having no authority to appoint anybody or to remove anybody. He had no power to sanction anybody's leave and had no authority to initiate any disciplinary action against any of the workman. He had no authority to sign any Bank account on behalf of the 1st Party and had no authority to withdraw the amount for 1st Party. He was not Constituted Attorney of the 1st party. His principle duties were of technical and operational in nature and there was no even a stinct of supervisory duties as far as his duties were concerned. He was working as per the instructions received by him from his superiors. False allegations were levelled against him. Farce of enquiry was made by the 1st Party. Enquiry Officer was bias. Other employee by name Rane, though was served with similar type of Charge sheet like 2nd Party Workman, Jain, he was never placed under suspension like 2nd Party Workman. At that particular time Apex Court treated 1st Party not an Industry. So employee did not attend Inquiry. Later Apex Court decided otherwise and observed 1st Party as an Industry. The finding given by the Enquiry Officer are perverse. The punishment of “compulsory retirement” of 2nd Party Workman is nothing but terminating his employment at the age of 52 years as retirement age with the 1st Party is upto 60 years. So it is submitted that, action taken by First Party in retiring compulsory Second Party Workman by order dated 9th July, 1999 is nothing but terminating him from employment be set aside with the directions to reinstate him with benefits of back wages and continuity of service.

3. This prayer is disputed by the First Party by filing exhaustive reply at Exhibit 7 stating and contending that, reference is not tenable as subject-matter of the Reference “Compulsory Retirement” does not fall within the purview of Section under which the Competent Authority send the Reference for adjudication. It was not the termination. It is further stated that, 2nd Party Workman by name ‘Jain’ is not the Workman and as such on that count also Reference is not tenable. It is also contended that, subject-matter of the Reference “Compulsory Retirement” does not fall under the definition of “Termination”. This Tribunal has no jurisdiction to give verdict on compulsory retirement. Besides, this it is contended that, charge sheet was served on Second Party Workman. Full opportunity was given to 2nd Party Workman ‘Jain’ to participate in the

enquiry. Enquiry Officer was having foundation to give finding against the 2nd Party Workman. Even the punishment awarded by the Enquiry Officer of termination was reviewed by the Appellate Authority and leniency was shown. In the appeal, 2nd Party was permitted to retire by which he got all retirement benefits i.e. gratuity, Pension, Provident Fund etc. If at all, he would have been terminated, he could not have got those benefits and as such relief was given to the Second Party Workman by asking him to retire compulsorily.

4. It is further stated that, 20 persons were working under him. He is getting his salary more than Rs. 10,000/-. He has control over the 20 workers under him. He was signing their muster, attendance and sanctioning their leave. He committed serious offence like 'forgery' which is of very serious nature. Such charges were levelled and proved against him. Though opportunity was given but he did not utilize it and did not participate in the enquiry as decision to retire 2nd Party Workman, Jain, was taken after conducting enquiry, now 2nd Party Workman, Jain, cannot challenge it as subject-matter of "compulsory retirement" does not fall within the jurisdiction of this Tribunal. Reference is sent presuming that 2nd Party Workman is terminated. Actually said punishment of termination was reviewed by Appellate Authority and he was compulsorily retired. In fact decision of the 1st Party is of compulsory retirement. It ought to have been challenged by 2nd Party. Since the punishment of termination does not subsist, reference sent under said guise be rejected as Tribunal cannot travel beyond subject-matter of 'Termination' and give verdict on compulsory retirement.

5. In view of the above pleadings Issues were framed by my Ld. Predecessor at Exhibit 12. Out of those Issue Nos. 1, 2, 4 and 5 i.e. regarding latches in the Reference and Status of 2nd Party as a 'workman' along with the point of fairness of enquiry and perversity of the findings are there. Those are answered as follows :

Issues	Findings
1. Whether the reference suffers from latches and therefore not maintainable as averred in para 1 of the Written Statement (Exhibit 7)?	No
2. Whether Shri A.H. Jain is a 'workman' under Section 2 (s) of the Industrial Dispute Act?	yes
3. Whether the domestic inquiry conducted against the workman was as per the Principles of Natural Justice?	No
4. Whether the findings of the inquiry officer are Perverse?	Yes

Reasons ;

Issue No. 1

6. The reference sent by the Desk Officer, Government of India, Ministry of Labour, New Delhi, under sub-Clause (d) of Sub-section (1) and Sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 is disputed by the First Party alleging that, since 2nd Party Workman involved in the reference by name Jain was not terminated but was asked to retire from the services of the 1st Party by way of order of compulsory retirement. Subject-matter of the reference is, 'compulsory retirement' of Jain, the workman, and not the 'termination'. When he is not terminated 2nd Party cannot challenge it. On the 'termination' appeal was referred by 2nd Party before Competent Authority and after reconsidering the grievances made by the 2nd Party Workman, Jain, the order of 'termination' was converted into "compulsory retirement". According to 1st Party there is difference in 'termination' and 'compulsory retirement'. In the termination employee cannot get benefits of gratuity and other retirement benefits whereas employee who retires gets all other benefits including gratuity, Provident Fund and even can work anywhere since there is no stigma of termination and difference is there between 'termination' and 'compulsory retirement'. The subject-matter of the reference though worded as the 'termination' actually it is a 'compulsory retirement' and there was no termination inflicted by 1st Party as referred by the Competent Authority when there is no termination effected on 2nd Party Workman by 1st Party reference, is not tenable and the said reference suffers from latches and therefore not maintainable. Whereas 2nd Party Workman's argument is that, there is no much difference between 'termination' and 'compulsory retirement'. Result of both is one and the same i.e. services of the employees comes to an end with the employer. By both these terms the employees and employers relationships comes to an end and it does not exist. When both gives same result and effect i.e. bring full stop in the employment between employer and employee. Even retirement should be read in that spirit of the termination as it gives same result as secured in the termination. Besides, it is submitted that, Section 2(A) of the Industrial Disputes Act which reads as under :

"2 (A) : Dismissal etc. of an individual workman to be deemed to be an industrial dispute : Where any employer discharges, dismisses, retrenches or otherwise terminates the services of an individual workman, any dispute or difference between that workman and his employer connected with shall be deemed to be an industrial dispute notwithstanding that no other workman nor any union of workmen is a party to the dispute."

According to him the retirement made by 1st Party of 2nd Party Workman Jain involved in this reference fall under category of "otherwise terminating the services of the individual" and dispute raised by the 2nd Party Workman purely fall under Section 2(A) of Industrial Disputes Act.

7. It is a matter of record that, 2nd Party Workman's services were terminated and when said punitive action was converted by the 1st Party into "compulsory retirement" it is a matter of record that 2nd Party Workman was compulsorily retired at the age of 52 years when the retirement age in the 1st Party is 60 years. It is not pointed out by the 1st Party in what way S.P. Jain was benefited by converting punishment of termination into compulsory retirement and how it was lesser punishment than the punishment of termination. As suggested and pointed out by 2nd Party's Advocate compulsory retirement cannot be considered less than termination as the result of both is one and the same i.e. of an end of the relations between the employer and employee and it gives full stop to it. It is tried to suggest by 1st Party that, as a result of compulsory retirement, 2nd Party Workman was benefited and definitely said benefits were enjoyed by the Second Party Workman than the punitive action of termination. However, it is not pointed out in what way second Party was benefited by awarding punishment of compulsory retirement that, too at the age of 52 years, when retirement age was 60 years? When no such benefits are shown by the 1st Party which might have accrued by the 2nd Party Workman as a result of "retirement" "than by termination" as pleaded by 1st party I am of the considered view that, one cannot find such a difference as tried to be made out by the 1st Party as far as employment of the 2nd Party Workman Jain with the 1st Party is concerned. According to me, simple reason behind is that, as a result of 'compulsory retirement' at the age of 52, he lost his employment like effecting 'termination' of his employment. Besides this, it tried to point out by 1st Party that, enquiry proceedings and Conciliation proceedings were going on parallelly when notice was served and enquiry was initiated. After suspending Second Party Workman Jain, 2nd Party Workman and Union raised dispute before ALC and as and when enquiry was in progress Second Party Workman did not bother to attend the enquiry and lost opportunity of recording the evidence and enquiry officer gave finding holding 2nd Party Workman guilty of the charges and suggested termination. That, was challenged before Conciliation of Officer and at the same time Appeal was preferred by the Second Party before the Competent Authority to reduce the punishment, the punishment of termination suggested by the Enquiry Officer was converted into compulsory retirement. Meanwhile reference came regarding termination. When

actually there was no termination, and it is not in dispute that, by virtue of replacement of order of compulsory retirement in place of termination, Reference on the point of termination does not subsist and survives. But as stated above I do not find any different between punishment of 'compulsory retirement' and punishment of 'termination', as result of both is one and the same. Both brings end of employment of 2nd Party Workman and it ceases his relations with the 1st Party. In my considered view, though reference is sent of termination the subject matter of 'compulsory retirement' falls under definition 2 (A) under "otherwise termination" and definitely can be entertained by this Tribunal on the basis of the reference sent by the Competent Authority. So I conclude that, the reference does not suffer from any latches as pointed out by the First Party. So I answer this Issue in the negative.

ISSUE NO. 2

8. This reference is challenged by the 1st Party again on one more point stating that, Jain is not a Workman as defined under Section 2 (s) of Industrial Disputes Act. He was working as a Chargeman. His work and designation does not permit him to call as a Workman and fall under Section 2 (s) of Industrial Disputes Act. The duties casted upon on him, the work done by him, designation given to and role played by him does not permit Jain to claim as a Workman. Whereas case made out by the Second Party is that, though he is designated as a Chargeman his 70% work is of manual nature. He was getting salary of Rs. 10,000. He was having no authority to appoint anybody, neither having any authority to terminate. He was having no power to recommend or sanction any leave. He was having no authority to initiate any disciplinary action against any workman. He was not signing accounts for the 1st Party. Even he was not making any correspondence under his signature for 1st Party. His principle duties were of technical and operational in nature and there was no even stinct of supervisory duties as far as his duties are concerned.

9. To see whether Second Party Workman Jain is a Workman or otherwise, we have to see the definition of Workman given under Section 2 (s) of Industrial Disputes Act, which reads as follows :

"2 (s): "workman" means any person (including an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied, and for the purposes of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a

consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute, but does not include any such person—

- (i) who is subject to the Air Force Act, 1950 (45 of 1950), or the Army Act, 1950 (46 of 1950), or the Navy Act, 1957 (62 of 1957), or
- (ii) who is employed in the police service or as an officer or other employee of a prison, or
- (iii) who is employed mainly in a managerial or administrative capacity, or
- (iv) who, being employed in a supervisory capacity, draws wages exceeding one thousand six hundred rupees per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature.”

From this definition one find, number of inclusions and exclusions are given to call as a ‘workman’ and to bring out employee out of the definition of ‘workman’. The definition reproduced above says that, any person including apprentice employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work is called as a ‘workman’. The employee who is appointed in a supervisory capacity, draws wages exceeding one thousand six hundred rupees per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature is not a workman.

10. To support the case of Workman he placed reliance on the evidence recorded by way of affidavit at Exhibit 15 as well as on the cross of the Management witness whose evidences are Exhibit 23 and 28. 2nd Party placed reliance on number of citations submitted with written synopsis at Exhibit 31 & 32. Whereas 1st Party placed reliance on above referred evidence and citations submitted alongwith synopsis at Exhibit 36.

11. In the evidence referred above 2nd Party claim that, he does not have the power to sanction leave or recommend leave. 1st Party witness states that, he has no power to appoint or terminate anybody or initiate enquiry proceedings against anybody. It is proved that, he cannot write letters on behalf of the First Party and his decision is not binding on First Party. In evidence, the case of the 2nd Party is that, he not considered as a decision making person in the 1st Party’s establishment and his opinion is not sought while taking any decision. It is the matter of record that, initially he joined as an Electrician in 1968 and went upto the post of ‘Chargeman’ on salary of Rs. 10,000. According to him

though he was designated as ‘Chargeman’ nature of his duties were of similar nature i.e. of ‘workman’. According to him 70% his duties were of manual and 30% were of clerical type and reiterated that, he had no power to appoint, terminate anybody, no power to sanction leave and was not taking part in the decision making process of the 1st Party. He is a trade Union leader, look after the activities of the Rashtriya Telecom Employees and Workers Union. He was charge sheeted alleging that, he left the work place without permission and without preparing gate pass on 12-2-1997 and for that, he was charge sheeted. In the cross this witness admits, he maintained Head Mistry’s note book. He admits that, he attends the complaints which he received. However, he denies that, he gave directions to workmen working under him. He also denies that, he was giving certificates to the Workmen working under him regarding over time. He also denies that, he sign documents as supervisor. He admits that, he passed departmental tests like English, Arthematic and Geometry. He also admits that, he passed trade tests. Whereas 1st Party placed evidence on record by examining Mr. B. Sahu at Exhibit 23 reveals that, concerned employee Jain was working under him. He admits that, he was required to do some clerical work. He admits that he has no authority to appoint anybody or remove anybody. He states that, Jain has no authority to sign leave or recommend leave or transfer anybody. Even he admits that, Jain has no authority to issue charge sheet against any employee. He admits that, Assistant Engineer is the Head of the Department in which Jain was working. The witness examines Exhibit 28 by name P.K. Pawar admits that, he has no personal knowledge regarding day to day duties of Jain. He also admits that, last designation of Jain is Charge man. That means, beyond that, Jain cannot be promoted and on that, Jain claim that, it was his departmental promotion. So all, this evidence reveals that, 2nd Party Workman Jain though designated as “Charge man”, has no other status than, that of a ‘Workman’ by the said designation. He does not attract any other benefits or other meaning than what is to the workman. Besides, Ld. Advocate for the Second Party placed reliance on number of citations. Citation published in 1964 1 LLJ page 19, Apex Court while deciding the case of *South Indian Bank Ltd. v/s Chacko* observed that if a person occupy post like this by way of promotion, cannot cease his status of ‘workman’. Another citation published in 1991 2 CLR Page 789 where our Hon’ble High Court while deciding the case of *R.M. Nerlekar v/s The Chief Commercial Superintendent, Central Railway* observed that, looking at the nature of the duties described in the evidence one has to ascertain the status of the employee. Even the employee working as a Commercial Inspector in Railway is treated as a Workman. Here lied on another citation published in 1981 LAB. I.C. page 40 and while deciding

the case of **M/s. Vasant Industrial and Engineering Works v/s. Narayan Damodar Desai and anr.** Our Hon'ble High Court observed that, person working on the post of Foreman, though his duties were of supervisory but are not of managerial nature as well as administrative nature and as such, such employee fall under definition of Section 2(s) of Industrial Disputes Act, our Hon'ble High Court while deciding case of **Bombay Dying manufacturing Co. Ltd. vs R.A. Bidoo & ors.** Published in 1989 II CLR p. 248 observed that, Workman initially joined as Camera Operator and then he became Assistant Master in Screen making Department, without obtaining any degree cannot cross the status of Workman. Citation published in 1988 LAB IC p. 384, while deciding the case of **National Engineering Industries Ltd. v/s Kishan Bhageria and ors.** It is observed that, employee working as Intenal Auditor in Company and checking the work on behalf of the employer, still is the 'workman' under Section 2(s) of Industrial Disputes Act, Citation published in 1984 LAB IC 658 **Ved Prakash Gupta v/s. M/s. Delton Cable India (P) Ltd.** Apex Court observed that, person employed in Managerial or Administrative capacity are excluded from he definition of 'workman'. In citation published in 1994 II LLN p. 559 our Hon'ble High Court while deciding the case of **Inter Globe Air Transport, A Division of inter Glob Enterprises (Pvt.) Ltd. vs Smt. Leela Deshpande and anr.** Observed that, mere fact that, some control over other clerks is given to employee to supervise their work, mere power of allocation of work between employees is not sufficient to exclude that, employee from the definition of the Workman. The citation published in 1995 I CLR page 837 our Hon'ble High Court while deciding the case of **S.A. Sarang vs W.G. Forge & Allied Industries Ltd.** observed that, employee initially join as a Workman can take shelter of Section 2(s) to claim as a 'workman'. Citation published in 1998 II LLJ p. 176 (**Cricket Club of India and anr. vs. Baljit Shyam (Ms) & anr.**) Tried to make difference between 'administrative' and 'supervisory' functions and observed that, mere recommendation of leave, employee does not become Supervisor. So considering all this coupled with number of citations referred above, I conclude that, the status of 2nd party Workman Jain cannot be more than status of 'workman'; and as such Jain the aggrieved person is the 'workman' and he purely fall under definition of Section 2(s) of industrial Disputes Act. So I answer this issue to that effect.

ISSUE NO. 3 AND 4.

12. 2nd Party claims that, enquiry was not conducted by following principles of natural justice. Infact original enquiry proceedings are not placed on record to substantiate the case of the 1st party that, enquiry was conducted and it was fair and proper. Whereas case made out by the First party is that,

enquiry was conducted which was fair and proper. He was given opportunity to defend his case. However, here fused to participate in the enquiry. It is denied that, Enquiry Officer had predetermined mind to hold him guilty. 2nd party Workman Jain attended enquiry but stayed away from it with ulterior motive to challenge the action taken by the 1st party to suit his purpose.

13. In that light if we peruse the record place on record regarding enquiry, we find, the original enquiry proceeding is not placed on record, Xerox copy of the enquiry proceeding is placed on record with Exhibit 13 from page Nos. 1 to 66. If we peruse those we find by letters dated 17th January, 1998, 3rd February, 1998, 1st April, 1998 and 3rd April, 1998 2nd Party Workman Jain informed that, he is not attending the enquiry since the provisions of Industrial Disputes Act are not applicable to First Party MTNL since it is not listed as and industry within the meaning of Section 3(j) of Industrial Disputes Act. As far as this position is concerned, it is not disputed even by 1st Party, as above letters are referred from the documents filed by the 1st Party at Exhibit 13. Then 2nd party submit that, since Apex Court observed that, First Party MTNL is not an industry by its earlier Judgment, there was no point to appear in the enquiry by the 2nd party Workman Jain. However, later on Apex Court reversed the said view and observed that, First party is an "Industry". Initially in the guise that, 1st Party is not an industry during that, particular period, as per the decision of Apex Court, there was no point to contest the enquiry proceedings. Even by placing citations published in 1998 I CLR p. 184 the Advocate for 2nd Party submitted that, while deciding the case of **General Manager, Telecom vs S. Srinivasan & ors.** Apex Court held that, the view taken in case of **Bombay Telephone Canteen Employees' Association v/s Union of India—1997 II CLR page 218—**and view taken in case of **Sub-Divisional Inspector of Post, Vaikam & ors. v/s Theyyam Joseph & ors.** 1996 II CLR page 237 cannot be treated as laying down the correct law. Even this position is not disputed by 1st Party. Above referred correspondence reveals that, Second Party did not participate in the enquiry under that, guise. Since in 1998 Apex Court observed that, 1st Party is also an industry, record and proceedings reveal that, meanwhile, enquiry was completed on 30th August, 1998 itself and Show Cause notice was served on 21-10-1998. Then on 6-11-1998, as well as by correspondence dated 27-11-1998 and as per arguments advanced by the 2nd Party, that his removal order was issued by letter dated 24-12-1998. So all this reveals that, enquiry as expected, was not conducted against Second Party Workman. Even no opportunity was availed by the 2nd Party Workman Jain on the guise that, there was no point in taking part in the enquiry, since 1st Party does fall under definition of 'Industry' of Section 2(j) of Industrial Disputes Act.

Now, it is clear that, 1st Party is 'an industry'. So in the said set of circumstances definitely Second Party must get an opportunity to participate in the enquiry. As per the enquiry record, at present which is on record, cannot be called and enquiry conducted by following the principles of natural justice. Even dates of enquiry reveals that, it was initiated on 26-9-1997 and finding was given on 30-7-1998. Even it is a matter of record that, enquiry was ex-parte and that fact is not disputed by 1st party also. Stand taken by First Party is that, though opportunity was given to the Second party it did not avail it and in that, set of circumstances it had no option but to proceed against 2nd Party Workman ex-parte has to consider in favour of 2nd party. So this itself reveals that, enquiry was an ex-parte enquiry on the basis of which first decision was taken of termination and that, was converted into compulsory retirement. The decision taken by the 1st party in above both forms was of very serious nature as by that, services of the Second party Workman 'Jain' comes to an end and their relations of employee and employer also comes to an end. So in my considered view, such an action which is taken relying on this type of ex-parte enquiry must be considered minutely as, on the basis of the said enquiry, 1st Party decided to relieve Second Party, from its employment and then compelled him to retire. So for the 1st Party finding of the enquiry was the base to take such a decision. So in my considered view such enquiry cannot be treated as good in the eye of law and it require to declared not conducted by following principles of natural justice and proper procedure of the enquiry. Besides, one has to declare that, the finding given by the Enquiry Officer on such ex-parte basis has also no ground. So I conclude that enquiry was not fair and proper and the finding perverse. Accordingly I answer this issue to that effect.

14. In view of the above discussions carried above I conclude that, the 2nd Party is the 'Workman'. Besides I conclude that, ordering 2nd Party Workman Jain's 'removal' from the employment and then converting it into 'compulsory retirement' from service does not come in the way of the Second Party to challenge the same under Section 2(k) of Industrial Disputes Act as it is an industrial dispute. I also conclude that enquiry was not fair and proper and finding taken on such an enquiry was perverse, as there was no base before the Enquiry Officer to conclude accordingly. So I pass the following order:

ORDER

- a) Second Party is declared as a 'Workman',
- b) the reference does not suffer from laches and reference is maintainable;
- c) enquiry is not fair and proper and finding is perverse;

- d) 1st Party is directed to lead evidence to prove the charges levelled against the Second Party Workman by appearing on 29th June, 2006.

Mumbai

18th May, 2006.

A.A. LAD, Presiding Officer,

नई दिल्ली, 27 जून, 2006

का.आ. 2821.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नेशनल इन्फोमेटिक्स सेन्टर एण्ड सी.पी. डब्ल्यू. डी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ संख्या 283/ 2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-6-2006 को प्राप्त हुआ था।

[सं. एल-42012/16/99-आई आर (डी यू)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 27th June, 2006

S.O. 2821.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 283/ 2001) of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of National Informatics Centre and C. P.W.D. and their workman, which was received by the Central Government on 27-6-2006.

[No. L-42012/16/99-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT BHUBANESHWAR

PRESENT :

Shri N.K.R. Mohapatra,
Presiding Officer, CGIT-cum-labour Court,
Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 283/2001

Date of passing Award—24th MAY 2006

BETWEEN

1. The Management of the Director,
National Informatics Centre, Sachivalaya Marg,
Unit-IV, Bhubaneswar-751 001.

2. The Executive Engineer, (Electrical),
C.P.W.D. Central Electrical Division,
Bhubaneswar-751 012

..... 1st Party-Managements.

AND

Their Workman, Shri Rahas Bihari Mallick,
Plot No. 562, Nayapalli, Kabari Sahi,
Madhusudan Nagar, Bhubaneswar-751 001.

.....2nd Party Workman

APPEARANCES

M/s U.N. Samal, : For Management No.1
Advocate
M/s Subhasish Das, : For Management No. 2.
Advocate
M/s. N.K. Mishra, : For 2nd Party Workman.
Advocate

AWARD

The Government of India in the Ministry of Labour, in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication *vide* their Order No. L-42012/16/99-IR (DU), dated 26-07-1999:—

“Whether the action of the Director, NIC and Executive Engineer (Electrical), CPWD, Bhubaneswar in terminating the services of Shri Rahas Bihari Mallick is legal and justified? If not, to what relief the workman is entitled?”

2. The facts admitted by all parties are as follows:—

The National Informatics Centre (Management No.1) is an establishment of the Central Government. The office of C.P.W.D. (Management No. 2) used to call for tenders periodically and appoint different Contractors item-wise to operate and maintain the A.C. Plant and other allied equipments of the Management No.1.

3. It is alleged by the workman that in January 1987 he was engaged as an A.C. Operator by the then Contractor named Venu Gopal Rao. After the tenure of the said contractor he continued as such under the succeeding contractors engaged from time to time by the C.P.W.D. (Management No.2) As the job of NIC (Management No. 1) was perennial in nature himself and similar other workers engaged by different other contractors to work within the premises of NIC formed a union and demanded for their regularization some times in 1997. The INTUC also espoused their cause for permanent absorption. It is alleged by the workman that because of the above both the Managements took a Joint strategy and did not issue gate passes to them with effect from 1-4-1998 with the pretext that the contractor engaged had not come forward to renew the contract for the next term commencing from 1-4-1998. It is further alleged that after engagement of a new contractor M/s. Blue Star with effect from 1-5-1998 they though worked as usual under him they were not paid their wages from May 1998 to Sept. 1998 and ultimately refused

employment with effect from 23-9-1998 without any prior notice or notice pay.

4. The Management of NIC (Management No.1) has averred that for the operation and maintenance of its A.C. Plant and it's alleged equipments the C.P.W.D. was engaged and therefore the NIC is least concerned with the workman and others engaged by the C.P.W.D. or any other contractor for the above purpose. In other words it is averred that for maintenance of the A.C. Plant the C.P.W.D. was being paid maintenance cost annually not bothering about the mode to be adopted by the C.P.W.D. and therefore, the N.I.C. is nothing to do with the termination of the workman or any other workmen engaged either by the C.P.W.D. or by the contractors.

5. It is further averred that after the computerization of the A.C. Plant and other allied electrical equipments there was no necessity of entrusting the maintenance work to the C.P.W.D. and therefore the earlier practice of entrusting the work to the CPWD was given a complete go bye in later years and therefore the N.I.C. is not liable for the so called termination of the workman.

6. The C.P.W.D. (Management No.2) who was admittedly entrusted with the operational and maintenance work of the A.C. Plant of the N.I.C. has taken a stand that for execution of the above entrusted work it used to engage from time to time different contractor selected on tender basis. These contractors were simply asked to execute the work as per the specification and terms and conditions as contained in their agreement and therefore, there was least scope for the C.P.W.D. To know about the workers engaged by these contractors. According to it one M/s. Utkal Refrigeration had taken the job contract from 4/88 onwards up till 3/98 (except for the short period from 4/89 to 9/89) and then M/s. Blue Star Limited took the contract from 5/98 onwards. But the said contractor was not allowed by the workman and others to engage his own workers until the intervention of police in Sept. 1998. In other words it is claimed by the C.P.W.D. with necessary implication that when the new contractor M/s. Blue Star did not engage the workman & others the present dispute was raised as if they were refused employment by both C.P.W.D. & N.I.C. and thus the case is not maintainable against them.

7. On the basis of the above pleadings of the parties the following issues were framed.

ISSUES

1. Whether the reference is maintainable?
2. Whether the action of the Director, NIC and Executive Engineer (Electrical), CPWD, Bhubaneswar in terminating the services of Shri Rahas Bihari Mallick is legal and justified?
3. If not, what relief the workman is entitled?

8. To establish their respective cases each party has examined one witness besides producing some documents.

ISSUE No. 2 & 3

9. These issues are taken up jointly as they are inter-dependant.

In his evidence the workman claims that since 1987 till the alleged date of termination in 1998 he was working as an A.C. operator being appointed by C.P.W.D. (Management No.2) to operate and maintain daily the A.C. plant and its other allied electrical equipments of the establishment of the N.I.C. (Management No.1). According to his evidence his above engagement was never through any contractor but then the C.P.W.D. used to show him being engaged by some sham contractors from time to time. But such of the evidence of the workman is found contrary to his stand taken in his claim statement. In the claim statement it has categorically been mentioned that during the above period he used to work under different contractors engaged by the C.P.W.D. from time to time. During cross examination he has also admitted that in 1987 he was engaged by a sub-contractor named Venugopal Nair and the said contractor used to pay his wages in presence of Junior Engineer of C.P.W. D. He further, stated during cross examination that all along he worked under the above sub-contractor till he was refused admission in to the NIC premises on 23-9-1998. The subject matter of M.A. 190/98 (Ext.-D) and Misc. case No. 136/98 (Ext.-E) which the workman and many others had respectively filed before the Central Administration Tribunal and Civil Judge (JD), Bhubaneswar show that after forming and Association these cases were filed claiming regularization in the establishment of both the Managements. The stand taken in these cases shows that the workman and other by claiming themselves as contract labourers had filed these cases in an effort to get themselves regularized. The reading of the above judgement further indicates that INTUC had also espoused the above claims of the workman in an in vain bid to regularize them. The evidence on record especially the judgement in M.A. 190/98 (Ext.-D) shows that when no contractor came forward to take up the work of NIC after expiry of the earlier contract on 30-11-1997 the C.P.W.D. intimated such fact to N.I.C. with a request not to issue gate passes to the workers until appointment of a new contractor. This generated an apprehension amongst the workers that they are likely to be retrenched and therefore they filed the above noted M.A. 190/98. Thereafter when a new contractor M/s. Blue Star was engaged from 1-5-1998 the said contractor instead of engaging the workers of the out-going contractor tried to engage his own. As a result the workman and others who were working under the previous contractor filed Misc. Case No. 136/98 before the Civil Judge (Jr.

Division), Bhubaneswar to prevent the said new contractor from engaging his own workers. Ext.-E further discloses that after the engagement of the above new contractor the workman and his other colleagues forcibly tried to work as before and thereby created problem for the said contractor. As a result, the matter was reported to the police vide Ext.-E. The evidence on record further shows that because of the above disturbance the new contractor could not take up the work until October 1998.

10. Thus from the above admitted facts it is clear that neither the N.I.C. nor the C.P.W.D. was the employer of the workman. The workman was rather an employee of the earlier contractor who was succeeded by M/s. Blue Star. As neither of these contractors are in picture the non-engagement of the workman by M/s. Blue Star can not be termed as an act of refusal of employment either by NIC or C.P.W.D. The entire gamut of the case speak that the workman was never an employee under N.I.C. or the C.P.W.D. and there was no employee employer relationship between them and as such for the act of the contractor M/s. Blue Star in refusing to engage the workman can not be coloured as an act of Management No.1 and 2 and as such there is no merit in the reference.

ISSUE No. I

11. The law is well settled that the terms of reference must be more specific about the alleged date of termination and any mistake or omission made in this regard would render the reference bad. In the instant case a similar mistake is noticed in as much as the reference is silent about the date of alleged termination. On this count the reference is also held as not maintainable.

12. For the various discussions made in the foregoing paras there is no other go except to hold that there is no merit in the case as also in the reference.

13. Before parting with the award I would like to make it clear that there is serious lack of coherence between the real claim of the workman raised before the Conciliation Officer and the terms of reference. While the said claim of the workman was for his regularization the reference has been made circumbently on some other count leaving sufficient scope for a comment.

14. Accordingly the reference is answered in negation. Dictated & Corrected by me.

N.K.R. MOHAPATRA, Presiding Officer

नई दिल्ली, 27 जून, 2006

का.आ. 2822.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नेशनल इन्फोमेटिक्स सेन्टर एण्ड सी. पी. डब्ल्यू. डी. के प्रबंधन के संबद्ध

नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ संख्या 284/ 2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-6-2006 को प्राप्त हुआ था।

[सं. एल-42012/18/99-आई आर (डी यू)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 27th June, 2006

S.O. 2822.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 284/ 2001) of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of National Informatics Centre and C. P.W.D. and their workman, which was received by the Central Government on 27-6-2006.

[No. L-42012/18/99-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESHWAR

PRESENT :

Shri N.K.R. Mohapatra,
Presiding Officer, CGIT-cum-Labour Court,
Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 284/2001

Date of passing Award—22nd May, 2006

BETWEEN

1. The Management of the Director,
National Informatics Centre, Sachivalaya Marg,
Unit-IV, Bhubaneswar-751001.

2. The Executive Engineer, (Electrical),
C.P.W.D. Central Electrical Division,
Bhubaneswar-751012

.....1st Party-Managements.

AND

Their Workman, Shri Bijaya Kumar Panda,
Ex-A.C.Operator at NIC, At./Po. Rental Colony,
Bhubaneswar-751001.

.....2nd Party-Workman.

APPEARANCES

M/s. U.N. Samal, : For Management No.1
Advocate.

M/s Subhashish Das, : For Management No. 2.
Advocate.

M/s. N.K. Mishra, : For 2nd Party-Workman.
Advocate,

AWARD

The Government of India in the Ministry of Labour, in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their Order No. L-42012/18/99-IR (DU), dated 26-07-1999:—

“Whether the action of the Director, NIC and Executive Engineer (Electrical), CPWD, Bhubaneswar in terminating the services of Shri Bijaya Kumar Panda is legal and justified? If not to what relief the workman is entitled?”

2. The facts admitted by all parties are as follows:—

The National Informatics Centre (Management No.1) is an establishment of the Central Government. The office of C.P.W.D. (Management No. 2) used to call for tenders periodically and appoint different Contractors item-wise to operate and maintain the A.C. Plant and other allied equipments of the Management No.1.

3. It is alleged by the workman that in May 1992 he was engaged as an A.C. Operator by the then Contractor named Venu Gopal Rao. After the tenure of the said contractor he continued as such under the succeeding contractors engaged from time to time by the C.P.W.D. (Management No.2) As the job of NIC (Management No.1) was perennial in nature himself and similar other workers engaged by different other contractors to work within the premises of NIC formed a Union and demanded for their regularization some times in 1997. The INTUC also espoused their cause for permanent absorption. It is alleged by the workman that because of the above both the Managements took a Joint strategy and did not issue gate passes to them with effect from 1-4-1998 with the pretext that the contractor engaged had not come forward to renew the contract for the next term commencing from 1-4-1998. It is further alleged that after engagement of a new contractor M/s. Blue Star with effect from 1-5-1998 they though worked as usual under him they were not paid their wages from May 1998 to Sept. 1998 and ultimately refused employment with effect from 23-9-1998 without any prior notice or notice pay.

4. The Management of NIC (Management No.1) has averred that for the operation and maintenance of its A.C. Plant and it's alleged equipments the C.P.W.D. was engaged and therefore the NIC is least concerned with the workman and others engaged by the C.P.W.D. or any other contractor for the above purpose. In other words

it is averred that for maintenance of the A.C. Plant the C.P.W.D. was being paid maintenance cost annually not bothering about the mode to be adopted by the C.P.W.D. and therefore the N.I.C. is nothing to do with the termination of the workman or any other workmen engaged either by the C.P.W.D. or by the contractors.

5. It is further averred that after the computerization of the A.C. Plant and other allied electrical equipments there was no necessity of entrusting the maintenance work to the C.P.W.D. and therefore the earlier practice of entrusting the work to the CPWD was given a complete go bye in later years and therefore the N.I.C. is not liable for the so called termination of the workman.

6. The C.P.W.D. (Management No.2) who was admittedly entrusted with the operational and maintenance work of the A.C. Plant of the N.I.C. has taken a stand that for execution of the above entrusted work it used to engage from time to time different contractor selected on tender basis. These contractors were simply asked to execute the work as per the specification and terms and conditions as contained in their agreement and therefore, there was least scope for the C.P.W.D. To know about the workers engaged by these contractors. According to it one M/s. Utkal Refrigeration had taken the job contract from 4/88 onwards up till 3/98 (except for the short period from 4/89 to 9/89 and then M/s. Blue Star Limited took the contract from 5/98 onwards. But the said contractor was not allowed by the workman and others to engage his own workers until the intervention of police in Sept. 1998. In other words it is claimed by the C.P.W.D. with necessary implication that when the new contractor M/s. Blue Star did not engage the workman & others the present dispute was raised as if they were refused employment by both C.P.W.D. & N.I.C. and thus the case is not maintainable against them.

7. On the basis of the above pleadings of the parties the following issues were framed.

ISSUES

1. Whether the reference is maintainable?
2. Whether the action of the Director, NIC and Executive Engineer (Electrical), CPWD, Bhubaneswar in terminating the services of Bijaya Kumar Panda is legal and justified?
3. If not, what relief the workman is entitled?

8. To establish their respective cases each party has examined one witness besides producing some documents.

ISSUE No. 2 & 3

9. These issues are taken up jointly as they are inter-dependant.

In his evidence the workman claims that since 1992 till the alleged date of termination in 1998 he was working as an A.C. operator being appointed by C.P.W.D. (Management No. 2) to operate and maintain daily the A.C. plant and its other allied electrical equipments of the establishment of the N.I.C. (Management No.1). According to his evidence his above engagement was never through any contractor but then the C.P.W.D. used to show him being engaged by some sham contractors from time to time. But such of the evidence of the workman is found contrary to his stand taken in his claim statement. In the claim statement it has categorically been mentioned that during the above period he used to work under different contractors engaged by the C.P.W.D. from time to time. During examination he has also admitted that in 1992 he was engaged by a sub-contractor named Venugopal Nair and the said contractor used to pay his wages in presence of Junior Engineer of C.P.W. D. He further, stated during cross-examination that all along he worked under the above sub-contractor till he was refused admission in to the NIC premises on 23-9-1998. The subject matter of M.A. 190/98 (Ext.-D) and Misc. case No. 136/98 (Ext. E) which the workman and many others had respectively filed before the Central Administration Tribunal and Civil judge (JD), Bhubaneswar show that after forming and Association these cases were filed claiming regularization in the establishment of both the Managements. The stand taken in these cases shows that the workman and other by claiming themselves as contract labourers had filed these cases in an effort to get themselves regularized. The reading of the above judgement further indicates that INTUC had also espoused the above claims of the workman in an in vain bid to regularize them. The evidence on record especially the judgement in M.A. 190/98 (Ext.-D) shows that when no contractor came forward to take up the work of NIC after expiry of the earlier contract on 30-11-1997 the C.P.W.D. intimated such fact to N.I.C. with a request not to issue gate passes to the workers until appointment of a new contractor. This generated an apprehension amongst the workers that they are likely to be retrenched and therefore they filed the above noted M.A. 190/98. Thereafter when a new contractor M/s. Blue Star was engaged from 1-5-1998 the said contractor instead of engaging the workers of the out-going contractor tried to engage his own. As a result the workman and others who were working under the previous contractor filed Misc. Case No. 136/98 before the Civil judge (Jr. Division), Bhubaneswar to prevent the said new contractor from engaging his own workers. Ext. E further discloses that after the engagement of the above new contractor the workman and his other colleagues forcibly tried to work as before and thereby created problem for the said contractor. As a result, the matter was reported to the police vide Ext.-E. The evidence on record further

shows that because of the above disturbance the new contractor could not taken up the work until October 1998.

10. Thus from the above admitted facts it is clear that neither the N.I.C. nor the C.P.W.D. was the employer of the workman. The workman was rather an employee of the earlier contractor who was succeeded by M/s. Blue Star. As neither of these contractors are in picture the non-engagement of the workman by M/s. Blue Star can not be termed as an act of refusal of employment either by N.I.C. or. C.P.W.D. The entire gamut of the case speak that the workman was never an employee under N.I.C. or the C.P.W.D. and there was no employee employer relationship between them and as such for the act of the contractor M/s. Blue Star in refusing to engage the workman can not be coloured as an act of Management No. 1 and 2 and as such there is no merit in the reference.

ISSUE NO. 1

11. The law is well settled that the terms of reference must be more specific about the alleged date of termination and any mistake or omission made in this regard would render the reference bad. In the instant case a similar mistake is noticed in as much as the reference is silent about the date of alleged termination. On this count the reference is also held as not maintainable.

12. For the various discussions made in the foregoing paras there is no other go except to hold that there is no merit in the case as also in the reference.

13. Before parting with the award I would like to make it clear that there is serious lack of coherence between the real claim of the workman raised before the Conciliation Officer and the terms of reference. While the said claim of the workman was for his regularization the reference has been made circumbently on some other count leaving sufficient scope for a comment.

14. Accordingly the reference is answered in negation. Dictated & Corrected by me.

N.K.R. MOHAPATRA, Presiding Officer

नई दिल्ली, 27 जून, 2006

का.आ. 2823.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नेशनल इन्फोमेटिक्स सेन्टर एण्ड सी.पी.डब्ल्यू. डी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ संख्या 271/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-6-2006 को प्राप्त हुआ था।

[सं. एल-42012/19/1999 आई आर (डी यू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 27th June, 2006

S.O. 2823.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 271/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of National Informatics Centre and C.P.W.D. and their workman, which was received by the Central Government on 27-6-2006.

[No. L-42012/19/1999 IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT, BHUBANESWAR

Present : Shri N.K.R. Mohapatra,
Presiding Officer, C.G.I.T.-cum-Labour
Court Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 271/2001

Date of Passing Award-25th May, 2006

BETWEEN

1. The Management of the Director,
National Informatics Centre, Sachivalaya Marg.
Unit-IV, Bhubaneswar-751001.
2. The Executive Engineer, (Electrical),
C.P.W.D., Central Electrical Division,
Bhubaneswar-751012.

....1st Party-Managements

AND

Their Workman, Shri Arjun Ch. Bal,
Ex. A.C. Operator, At. NIC, At. 40/44, Baragarh
Brit Colony, P.O. BJB Nagar,
Bhubaneswar-751001.

....IInd Party workman

APPEARANCES :

M/s. U.N. Samal, : For Management No.1.
Advocate.

M/s. Subhasish Das, : For Management No.2
Advocate.

M/s. N.K. Mishra,
Advocate.For 2nd Party-Workman

AWARD

The Government of India in the Ministry of Labour, in exercise of Powers conferred by Clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication *vide* their Order No. L-42012/19/99-IR(DU), dated 19/21-07-1999 :—

“Whether the action of the Director, N.I.C. and Executive Engineer (Electrical), C.P.W.D., Bhubaneswar in terminating the services of Shri Arjun Chandra Bal is legal and justified? If not, to what relief the workman is entitled?”

2. The facts admitted by all parties are as follows :—

The National Informatics Centre (Management No.1) is an establishment of Central Government. The office of C.P.W.D. (Management No. 2) used to call for tenders periodically and appoint different Contractors item-wise to operate and maintain the A.C. Plant and other allied equipments of the Management No. 1.

3. It is alleged by the workman that in May 1992 he was engaged as an A.C. Operator by the then Contractor named Venu Gopal Rao. After the tenure of the said contractor he continued as such under the succeeding contractors engaged from time to time by the C.P.W.D. (Management No. 2). As the job of N.I.C. (Management No. 1) was perennial in nature himself and similar other workers engaged by different other contractors to work with in the premises of N.I.C. formed a Union and demanded for their regularization sometimes in 1997. The INTUC also espoused their cause for permanent absorption. It is alleged by the workman that because of the above both the Management took a joint strategy and did not issue gate passes to them with effect from 1-4-1998 with the pretext that the contractor engaged had not come forward to renew the contract for the next term commencing from 1-4-1998. It is further alleged that after engagement of a new contractor M/s. Blue Star with effect from 1-5-1998 they though worked as usual under him they were not paid their wages from May 1998 to Sept. 1998 and ultimately refused employment with effect from 23-9-1998 without any notice or notice pay.

4. The management of N.I.C. (Management No. 1) has averred that for the operation and maintenance of its A.C. Plant and its alleged equipments the C.P.W.D. was engaged and therefore the N.I.C. is least concerned with the workman and others engaged by the C.P.W.D. or any other contractor for the above purpose. In other words it is averred that for maintenance of the A.C. Plant the C.P.W.D. was being paid maintenance cost annually not bothering about the mode to be adopted by the C.P.W.D. and therefore the N.I.C. is nothing to do with the termination of the workman or any other workmen engaged either by the C.P.W.D. or by the contractors.

5. It is further averred that after the computerization of the A.C. Plant and other allied electrical equipments there was no necessity of entrusting the maintenance work to the C.P.W.D. and therefore the earlier practice of entrusting the work to the C.P.W.D. was given a complete go bye in later years and therefore the N.I.C. is not liable for the so called termination of the workman.

6. The C.P.W.D. (Management No. 2) who was admittedly entrusted with the operational and maintenance work of the A.C. Plant of N.I.C. has taken a stand that for execution of the above entrusted work it used to engage from time to time different contractor selected on tender basis. These contractors were simply asked to execute the work as per the specification and terms and conditions as contained in their agreement and therefore, there was least scope for the C.P.W.D. to know about the workers engaged by these contractors. According to it one M/s. Utkal Refrigeration had taken

the job contract from 4/88 onwards up till 3/98 (except for the short period from 4/89 to 9/89) and then M/s. Blue Star Limited took the contract from 5/98 onwards. But the said contractor was not allowed by the workman and others to engaged his own workers until the intervention of police in Sept. 1998. In other words it is claimed by the C.P.W.D. with necessary implication that when the new contractor M/s. Blue Star did not engage the workman & others the present dispute was raised as if they were refused employment by both C.P.W.D. & N.I.C. and thus the case is not maintainable against them.

7. On the basis of the above pleadings of the parties the following issues were framed.

ISSUES

1. Whether the reference is maintainable?
2. Whether the action of Director, N.I.C. and Executive Engineer (Electrical), C.P.W.D., Bhubaneswar in terminating the services of Shri Arjun Chandra Bal is legal and justified?
3. If not, what relief the workman is entitled?
8. To establish their respective cases each party has examined one witness besides producing some documents.

ISSUE NO. 2 & 3

9. These issues are taken up jointly as they are inter-dependant.

In his evidence the workman claims that since 1992 till the alleged date of termination in 1998 he was working as an A.C. operator being appointed by C.P.W.D. (Management No. 2) to Operate and maintain daily the A.C. Plant and its other allied electrical equipments of the establishment of the N.I.C. (Management No.1). According to his evidence his above engagement was never through any contractor but then the C.P.W.D. used to show him being engaged by some sham contractors from time to time. But such of the evidence of the workman is found contrary to his stand taken in his claim statement. In the claim statement it has categorically been mentioned that during the above period he used to work under different contractors engaged by the C.P.W.D. from time to time. During cross examination he has also admitted that in 1992 he was engaged by a sub-contractor named Venugopal Nair and the said contractor used to pay his wages in presence of Junior Engineer of C.P.W.D. He further, stated during cross examination that all along he worked under the above sub-contractor till he was refused admission in to the N.I.C. premises on 23-9-1998. The subject matter of M.A. 190/98 (Ext.-D) and Misc. case No. 136/98 (Ext.-E) which the workman and many others had respectively filed before the Central Administration Tribunal and Civil Judge (JD), Bhubaneswar show that after forming an Association these cases were filed claiming regularization in the establishment of both the Managements. The stand taken in these cases shows that the workman and others by claiming themselves as contract labourers had filed these cases in an effort to get themselves regularized. The reading of the above judgement further indicates that INTUC had also espoused the above claims of the

workman in an in vain bid to regularize them. The evidence on record especially the judgement in M.A. 190/98 (Ext.-D) shows that when no contractor came forward to take up the work of NIC after expiry of the earlier contract on 30-11-1997 the C.P.W.D. intimated such fact to N.I.C. with a request not to issue gate passes to the workers until appointment of a new contractor. This generated an apprehension amongst the workers that they are likely to be retrenched and therefore they filed the above noted M.A. 190/98. Thereafter when a new contractor M/s. Blue Star was engaged from 1-5-1998 the said contractor instead of engaging the workers of the out-going contractor tried to engage his own. As a result the workman and others who were working under the previous contractor filed Misc. Case No. 136/98 before the Civil Judge (Jr. Division). Bhubaneswar to prevent the said new contractor from engaging his own workers. Ext-E further discloses that after the engagement of the above new contractor the workman and his other colleagues forcibly tried to work as before and thereby created problem for the said contractor. As a result, the matter was reported to the police *vide* Ext.-E. The evidence on record further shows that because of the above disturbance the new contractor could not taken up the work until October 1998.

10. Thus from the above admitted facts it is clear that neither the N.I.C. nor the C.P.W.D. was the employer of the workman. The workman was rather an employee of the earlier contractor who was succeeded by M/s. Blue Star. As neither of these contractors are in picture the non-engagement of the workman by M/s. Blue Star cannot be termed as an act of refusal of employment either by NIC or C.P.W.D. The entire gamut of the case speak that the workman was never an employee under N.I.C. or the C.P.W.D. and there was no employee-employer relationship between them and as such for the act of the contractor M/s. Blue Star in refusing to engage the workman cannot be coloured as an act of Management Nos. 1 and 2 and as such there is no merit in the reference.

ISSUE No. 1

11. The law is well-settled that the terms of reference must be more specific about the alleged date of termination and any mistake or omission made in this regard would render the reference bad. In the instant case a similar mistake is noticed in as much as the reference is silent about the date of alleged termination. On this count the reference is also held as not maintainable.

12. For the various discussions made in the foregoing paras there is no other go except to hold that there is no merit in the case as also in the reference.

13. Before parting with the award I would like to make it clear that there is serious lack of coherence between that real claim of the workman raised before the Conciliation Officer and the terms of reference. While the said claim of the workman was for his regularization the reference has been made circumbently on some other count leaving sufficient scope for a comment.

14. Accordingly the reference is answered in negation.

Dictated & Corrected by me.

N.K.R. MOHAPATRA, Presiding Officer

नई दिल्ली, 27 जून, 2006

का.आ. 2824.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नेशनल इन्फोमेटिक्स सेन्टर एण्ड सी.पी.डब्ल्यू.डी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ संख्या 269/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-6-2006 को प्राप्त हुआ था।

[सं. एल-42012/20/1999-आई आर (डी यू)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 27th June, 2006

S.O. 2824.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 269/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of National Informatics Centre and C.P.W.D. and their workman, which was received by the Central Government on 27-6-2006.

[No. L-42012/20/1999-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR

Present : Shri N.K.R. Mohapatra,
Presiding Officer, C.G.I.T.-cum-Labour
Court, Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 269/2001

Date of Passing Award—22nd May, 2006

BETWEEN

1. The Management of the Director,
National Informatics Centre, Sachivalaya Marg,
Unit-IV, Bhubaneswar-751001
2. The Executive Engineer (Electrical),
C.P.W.D., Central Electrical Division,
Bhubaneswar-7510121st Party-Managements

AND

Their Workman, Shri Dharendra Kr. Tripathy.
Ex. A/C Operator, At. NIC, C/o. M/s. Maxon
Refrigeration, N1/293, IRC Village, Nayapalli,
Bhubaneswar-7510012nd Party-Workman

APPEARANCES :

M/s. U.N. Samal, : For Management No. 1
Advocate
M/s. Subhasish Das, : For Management No. 2
Advocate
M/s. N.K. Mishra, :
AdvocateFor 2nd Party-Workman

AWARD

The Government of India in the Ministry of Labour, in exercise of powers conferred by Clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication *vide* their Order No. L-42012/20/99-IR(DU), dated 19/21-07-1999:—

“Whether the action of the Director, NIC and Executive Engineer (Electrical), CPWD, Bhubaneswar in terminating the services of Shri Dhirendra Kumar Tripathy is legal and justified? If not, to what relief the workman is entitled?”

2. The facts admitted by all parties are as follows :—

The National Informatics Centre (Management No. 1) is an establishment of the Central Government. The office of C.P.W.D. (Management No. 2) used to call for tenders periodically and appoint different Contractors item-wise to operate and maintain the A. C. Plant and other allied equipments of the Management No. 1.

3. It is alleged by the workman that in May 1991 he was engaged as an A. C. Operator by the then Contractor named Venu Gopal Rao. After the tenure of the said contractor he continued as such under the succeeding contractors engaged from time to time by the C. P. W. D. (Management No. 2). As the job of NIC (Management No. 1) was perennial in nature himself and similar other workers engaged by different other contractors to work within the premises of NIC formed a Union and demanded for their regularization some times in 1997. The INTUC also espoused their cause for permanent absorption. It is alleged by the workman that because of the above both the Managements took a joint strategy and did not issue gate passes to them with effect from 1-4-1998 with the pretext that the contractor engaged had not come forward to renew the contract for the next term commencing from 1-4-1998. It is further alleged that after engagement of a new contractor M/s. Blue Star with effect from 1-5-1998 they though worked as usual under him they were not paid their wages from May 1998 to Sept. 1998 and ultimately refused employment with effect from 23-9-1998 without any prior notice or notice pay.

4. The management of NIC (Management No. 1) has averred that for the operation and maintenance of its A.C. Plant and its alleged equipments the C.P.W.D. was engaged and there fore the NIC is least concerned with the workman and other engaged by the C.P.W.D. or and other contractor for the above purpose. In other words it is averred that for maintenance of the A.C. Plant the C.P.W.D. was being paid maintenance cost annually not bothering about the mode to be adopted by the C.P.W.D. and therefore the N.I.C. is nothing to do with the termination of the workman or any other workmen engaged either by the C.P.W.D. or by the contractors.

5. It is further averred that after the computerization of A.C. Plant and other allied electrical equipments there was no necessity of entrusting the maintenance work to the C.P.W.D. and therefore the

earlier practice of entrusting the work to the C.P.W.D. was given a complete go bye in later years and therefore the N.I.C. is not liable for the so-called termination of the workman.

6. The C.P.W.D. (Management No. 2) who was admittedly entrusted with the operational and maintenance work of the A.C. Plant of N.I.C has taken a stand that for execution of the above entrusted work it used to engage from time to time different contractor selected on tender basis. These contractors were simply asked to execute the work as per the specification and terms and conditions as contained in their agreement and therefore, there was least scope for the C.P.W.D. to know about the workers engaged by these contractors. According to it one M/s. Utkal Refrigeration had taken the job contract from 4/88 onwards up till 3/98 (except for the short period from 4/89 to 9/89) and then M/s. Blue Star Limited took the contract from 5/98 onwards. But the said contractor was not allowed by the workman and others to engage his own workers until the intervention of police in Sept. 1998. In other words it is claimed by the C.P.W.D. with necessary implication that when the new contractor M/s. Blue Star did not engage the workman and others the present dispute was raised as if they were refused employment by both C.P.W.D. & N.I.C. and thus the case is not maintainable against them.

7. On the basis of the above pleadings of the parties the following issues were framed.

ISSUES

“1. Whether the reference is maintainable?

2. Whether the action of Director, NIC and Executive Engineer (Electrical), CPWD, Bhubaneswar in terminating the services of Shri Dhirendra Kumar Tripathy is legal and justified?

3. If not, what relief the workman is entitled?”

8. To establish their respective cases each party has examined one witness besides producing some documents.

ISSUE NOS. 2 & 3

9. These issues are taken up jointly as they are inter-dependant.

In his evidence the workman claims that since 1991 till the alleged date of termination in 1998 he was working as an A.C. Operator being appointed by C.P.W.D. (Management No. 2) to operate and maintain daily the A.C. Plant and its other allied electrical equipments of the establishment of the N.I.C. (Management No. 1). According to his evidence his above engagement was never through any contractor but then the C.P.W.D. used to show him being engaged by some sham contractors from time to time. But such of the evidence of the workman is found contrary to his stand taken in his claim

statement. In the claim statement it has categorically been mentioned that during the above period he used to work under different contractors engaged by the C.P.W.D. from time to time. During cross examination he has also admitted that in 1991 he was engaged by a sub-contractor named Venugopal Nair and the said contractor used to pay his wages in presence of Junior Engineer of C.P.W.D. He further, stated during cross examination that all along he worked under the above sub-contractor till he was refused admission in to the NIC premises on 23-9-1998. The subject matter of M.A. 190/98 (Ext. D) and Misc. case No. 136/98 (Ext. E) which the workman and many others had respectively filed before the Central Administration Tribunal and Civil Judge (JD), Bhubaneswar show that after forming an Association these cases were filed claiming regularization in the establishment of both the Managements. The stand taken in these cases shows that the workman and others by claiming themselves as contract labourers had filed these cases in an effort to get themselves regularized. The reading of the above judgement further indicates that INTUC had also espoused the above claims of the workman in an in vain bid to regularize them. The evidence on record especially the judgement in M.A. 190/98 (Ext. D) shows that when no contractor came forward to take up the work of NIC after expiry of the earlier contract on 30-11-1997 the C.P.W.D. intimated such fact to N.I.C. with a request not to issue gate passes to the workers until appointment of a new contractor. This generated an apprehension amongst the workers that they are likely to be retrenched and therefore they filed the above noted M.A. 190/98. Thereafter when a new contractor M/s. Blue Star was engaged from 1-5-1998 the said contractor instead of engaging the workers of the out-going contractor tried to engage his own. As a result the workman and others who were working under the previous contractor filed Misc. Case No. 136/98 before the Civil Judge (Jr. Division). Bhubaneswar to prevent the said new contractor from engaging his own workers. Ext E further discloses that after the engagement of the above new contractor the workman and his other colleagues forcibly tried to work as before and there by created problem for the said contractor. As a result, the matter was reported to the police vide Ext. E. The evidence on record further shows that because of the above disturbance the new contractor could not taken up the work until October 1998.

10. Thus from the above admitted facts it is clear that neither the N.I.C. nor the C.P.W.D. was the employer of the workman. The workman was rather an employee of the earlier contractor who was succeeded by M/s. Blue Star. As neither of these contractors are in picture the non-engagement of the workman by M/s. Blue Star can not be termed as an act of refusal of employment either by NIC or C.P.W.D. The entire gamut of the case speak that the workman was never an employee under N.I.C. or the C.P.W.D. and there was no employee employer relationship between them and as such for the act of the contractor M/s. Blue Star in refusing to engage the workman can not be coloured as an act of Management No. 1 and 2 and as such there is no merit in the reference.

ISSUE No. 1

11. The law is well settled that the terms of reference must be more specific about the alleged date of termination and any mistake or omission made in this regard would render the reference bad. In the instant case a similar mistake is noticed in as much as the reference is silent about the date of alleged termination. On this count the reference is also held as not maintainable.

12. For the various discussions made in the foregoing paras there is no other go except to hold that there is no merit in the case as also in the reference.

13. Before parting with the award I would like to make it clear that there is serious lack of coherence between that real claim of the workman raised before the Conciliation Officer and the terms of reference. While the said claim of the workman was for his regularization the reference has been made circumbently on some other count leaving sufficient scope for a comment.

14. Accordingly the reference is answered in negation.

Dictate and Corrected by me.

N.K.R MOHAPATRA, Presiding Officer

नई दिल्ली, 27 जून, 2006

का.आ. 2825.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नेशनल इन्फॉर्मेटिक्स सेन्टर एण्ड सी.पी.डब्ल्यू. डी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ संख्या 285/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-6-2006 को प्राप्त हुआ था।

[सं. एल-42012/17/1999-आई आर (डी यू)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 27th June, 2006

S.O. 2825.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 285/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of National Informatics Centre and C.P.W.D. and their workman, which was received by the Central Government on 27-6-2006.

[No. L-42012/17/1999-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR

PRESENT : Shri N.K.R. Mohapatra,
Presiding Officer, C.G.I.T.-cum-Labour
Court, Bhubaneswar.

INDUSTRIAL DISPUTE CASE No. 285/2001

Date of Passing Award—23rd May 2006

BETWEEN

1. The Management of the Director,
National Informatics Centre, Sachivalaya Marg,
Unit-IV, Bhubaneswar-751001
2. The Executive Engineer, (Electrical),
C.P.W.D., Central Electrical Division,
Bhubaneswar-751012

....1st Party-Managements

AND

Their Workman, Shri Bhagaban Biswal,
At. EB/792, Baragarh Brit Colony,
P.O. B.J.B Nagar,
Bhubaneswar-751001

....2nd Party-Workman

APPEARANCES :

M/s. U.N. Samal, : For Management No.1.
Advocate

M/s. Subhasish Das, : For Management No.2
Advocate

M/s. N.K. Mishra,
Advocate :For 2nd Party-Workman

AWARD

The Government of India in the Ministry of Labour, in exercise of powers conferred by Clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Dispute Act, 1947 (14 of 1947) have referred the following dispute for adjudication *vide* their Order No.1 42012/17/99-(IR) (DU), dated 26-07-1999:-

"Whether the action of the Director, NIC and Executive Engineer (Electrical), CPWD, Bhubaneswar in terminating the services of Shri Bhagaban Biswal is legal and justified? If not, to what relief the workman is entitled?"

2. The facts admitted by all parties are as follows :—

The National Informatics Centre (Management No. 1) is an establishment of the Central Government. The office of C.P.W.D. (Management No. 2) used to call for tenders periodically and appoint different Contractors item-wise to operate and maintain the A. C. Plant and other allied equipments of the Management No. 1.

3. It is alleged by the workman that in April 1991 he was engaged as an A. C. Operator by the then Contractor named Venu Gopal Rao. After the tenure of the said contractor he continued as such under the succeeding contractors engaged from time to time by the C. P. W. D. (Management No., 2). As the job of NIC (Management No. 1) was perennial in nature himself and similar other workers engaged by different other contractors to work within the premises of NIC formed a Union and demanded for their regularization some times in 1997. The INTUC also espoused their cause for permanent absorption. It is alleged by the workman that because of the above both the Managements took a joint strategy and did not issue gate passes to them with effect from 1-4-1998 with the pretext that the contractor engaged had not come forward to renew the contract for the next term commencing from 1-4-1998. It is further

alleged that after engagement of a new contractor M/s. Blue Star with effect from 1-5-1998 they though worked as usual under him they were not paid their wages from May 1998 to Sept. 1998 and ultimately refused employment with effect from 23-9-1998 without any prior notice or notice pay.

4. The management of NIC (Management No. 1) has averred that for the operation and maintenance of its A.C. Plant and it's alleged equipments the C.P.W.D. was engaged and therefore the NIC is least concerned with the workman and other engaged by the C.P.W.D. or any other contractor for the above purpose. In other words it is averred that for maintenance of the A.C. plant the C.P.W.D. was being paid maintenance cost annually not bothering about the mode to be adopted by the C.P.W.D. and therefore the N.I.C. is nothing to do with the termination of the workman or any other workmen engaged either by the C.P.W.D. or by the contractors.

5. It is further averred that after the computerization of the A.C. Plant and other allied electrical equipments there was no necessity of entrusting the maintenance work to the C.P.W.D. and therefore the earlier practice of entrusting the work to the C.P.W.D. was given a complete go bye in later years and therefore the N.I.C. is not liable for the so called termination of the workman.

6. The C.P.W.D. (Management No. 2) who was admittedly entrusted with the operational and maintenance work of the A.C. Plant of the N.I.C. has taken a stand that for execution of the above entrusted work it used to engage from time to time different contractor selected on tender basis. These contractors were simply asked to execute the work as per the specification and terms and conditions as contained in their agreement and therefore, there was least scope for the C.P.W.D. to know about the workers engaged by these contractors. According to it one M/s. Utkal Refrigeration had taken the job contract from 4/88 onwards up till 3/98 (except for the short period from 4/89 to 9/89) and then M/s. Blue Star Limited took the contract from 5/98 onwards. But the said contractor was not allowed by the workman and others to engaged his own workers until the intervention of police in Sept. 1998. In other words it is claimed by the C.P.W.D. with necessary implication that when the new contractor M/s. Blue Star did not engage the workman & other the present dispute was raised as if they were refused employment by both C.P.W.D. & N.I.C. and thus the case is not maintainable against them.

7. On the basis of the above pleadings of the parties the following issues were framed.

ISSUES

1. Whether the reference is maintainable?
2. Whether the action of Director, NIC and Executive Engineer (Electrical), CPWD, Bhubaneswar in terminating the services of Shri Bhagaban Biswal is legal and justified?
3. If not, what relief the workman is entitled?

8. To establish their respective cases each party has examined one witness besides producing some documents.

ISSUE NO. 2 & 3

9. These issues are taken up jointly as they are inter-dependant.

In his evidence the workman claims that since 1991 till the alleged date of termination in 1998 he was working as an A.C. Operator being appointed by C.P.W.D. (Management No. 2) to operate and maintain daily the A.C. plant and its other allied electrical equipments of the establishment of the N.I.C. (Management No. 1). According to his evidence his above engagement was never through any contractor but then the C.P.W.D. used to show him being engaged by some sham contractors from time to time. But such of the evidence of the workman is found contrary to his stand taken in his claim statement. In the claim statement it has categorically been mentioned that during the above period he used to work under different contractors engaged by the C.P.W.D. from time to time. During cross-examination he has also admitted that in 1991 he was engaged by a sub-contractor named Venugopal Nair and the said contractor used to pay his wages in presence of Junior Engineer of C.P.W.D. He further, stated during cross-examination that all along he worked under the above sub-contractor till he was refused admission in to the NIC premises on 23-9-1998. The subject matter of M.A. 190/98 (Ext.-D) and Misc. case No. 136/98 (Ext.-E) which the workman and many others had respectively filed before the Central Administration Tribunal and Civil Judge (JD) Bhubaneswar show that after forming an Association these case were filed claiming regularization in the establishment of both the Managements. The stand taken in these cases shows that the workman and others by claiming themselves as contract labourers had filed these cases in an effort to get themselves regularized. The reading of the above judgement further indicates that INTUC had also espoused the above claims of the workman in an in vain bid to regularize them. The evidence on record especially the judgement in M.A. 190/98 (Ext.-D) shows that when no contractor came forward to take up the work of NIC after expiry of the earlier contract on 30-11-1997 the C.P.W.D. intimated such fact to N.I.C. with a request not to issue gate passes to the workers until appointment of a new contractor. This generated an apprehension amongst the workers that they are likely to be retrenched and therefore they filed the above noted M.A. 190/98. Thereafter when a new contractor M/s. Blue Star was engaged from 1-5-1998 the said contractor instead of engaging the workers of the out-going contractor tried to engage his own. As a result the workman and others who were working under the previous contractor filed Misc. Case No. 136/98 before the Civil Judge (Jr. Division). Bhubaneswar to prevent the said new contractor from engaging his own workers. Ext.-E further discloses that after the engagement of the above new contractor the workman and his other colleagues forcibly tried to work as before and thereby created problem for the said contractor. As a result, the

matter was reported to the police vide Ext.-E. The evidence on record further shows that because of the above disturbance the new contractor could not taken up the work until October 1998.

10. Thus from the above admitted facts it is clear that neither the N.I.C. nor the C.P.W.D. was the employer of the workman. The workman was rather an employee of the earlier contractor who was succeeded by M/s. Blue Star. As neither of these contractors are in picture the non-engagement of the workman by M/s. Blue Star can not be termed as an act of refusal of employment either by N.I.C. or C.P.W.D. The entire gamut of the case speak that the workman was never an employee under N.I.C. or the C.P.W.D. and there was no employee employer relationship between them and as such for the act of the contractor M/s. Blue Star in refusing to engage the workman can not be coloured as an act of Management No. 1 and 2 and as such there is no merit in the reference.

ISSUE No. 1

11. The law is well settled that the terms of reference must be more specific about the alleged date of termination and any mistake or omission made in this regard would render the reference bad. In the instant case a similar mistake is noticed in as much as the reference is silent about the date of alleged termination. On this count the reference is also held as not maintainable.

12. For the various discussion made in the foregoing paras there is no other go except to hold that there is no merit in the case as also in the reference.

13. Before parting with the award I would like to make it clear that there is serious lack of coherence between that real claim of the workman raised before the Conciliation Officer and the terms of reference. While the said claim of the workman was for his regularization the reference has been made circumbently on some other count leaving sufficient scope for a comment.

14. Accordingly the reference is answered in negation.

Dictated and Corrected by me.

N. K. R. MOHAPATRA, Presiding Officer

नई दिल्ली, 27 जून, 2006

का.आ. 2826.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय, नं. 1 चंडीगढ़ के पंचाट (संदर्भ संख्या 211/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-6-2006 को प्राप्त हुआ था।

[सं. एल-40012/68/2000-आई आर (डी यू)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 27th June, 2006

S.O. 2826.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 211/2000) of the Central Government Industrial Tribunal-cum-Labour Court, No. 1, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 27-6-2006.

[No. L-40012/68/2000 IR (DU)]

**SURENDRA SINGH, Desk Officer
ANNEXURE**

**BEFORE SH. RAJESH KUMAR, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH.**

CASE NO. LD. 211/2000

Mrs. Veena Kaila C/o Sh. N.K. Jeet, President,
Telecom Labour Union, Mohalla Hari Nagar, Lal
Singh Basti Road, Bhatinda (Pb.) 151001

....Applicant

Versus

1. The General Manager,
Deptt. of Telecom. Hoshiarpur-152001.

....Respondent

APPEARANCES :

For the workman : Sh. R.S. Rana
For the management : Ms. Deepali Puri.

AWARD

Passed on 30-5-2006.

Central Govt. vide notification No. L-40012/68/2000/IR(D.U) dated 31-5-2000 has referred the following dispute to this Tribunal for adjudication.

“Whether the action of the General Manager, Telecom, Hoshiarpur (Pb.) in ordering disengagement/termination of services of Mrs. veena kalia a workman engaged through Contractor Sh. Ashok Kumar Sharma w.e.f. 1-3-99 is legal and justified? if not, to what relief the workman is entitled and from which date?”

2. The case taken up in Lok Adalat at the request of the parties. The authorised representative of workman Shri R. S. Rana withdraw the present reference vide his statement recorded on 30-5-2006. In view of the same, the present reference is returned as withdrawn in Lok Adalat. Central Govt. be informed. File be consigned to record.

Chandigarh.

30-5-2006

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 27 जून, 2006

का.आ. 2827.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के

बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नं. 1, चंडीगढ़ के पंचाट (संदर्भ संख्या 219/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-6-2006 को प्राप्त हुआ था।

[सं. एल-40012/31/2001-आई आर (डी यू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 27th June, 2006

S.O. 2827.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 219/2001) of the Central Government Industrial Tribunal-cum-Labour Court, No. 1, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 27-6-2006.

[No. L-40012/31/2001-IR (DU)]

**SURENDRA SINGH, Desk Officer
ANNEXURE**

**BEFORE SHRI RAJESH KUMAR, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH.**

CASE NO. LD 219/2001

Sh. Mohinder Singh S/o Sh. Mohan Singh C/o
Sh. N.K. Jeet, 27349, Lal Singh Basti Road, Bhatinda (Pb.)
151001

....Applicant

Versus

1. The General Manager,
Telecom, Amritsar, (Punjab) 143001

....Respondent

APPEARANCES :

For the workman : Sh. R.S. Rana
For the management : Sh. G.C. Babbar

AWARD

Passed on 30-5-2006.

Central Govt. vide notification No. L-40012/31/2001/IR(D.U) dated 27-04-2001 has referred the following dispute to this Tribunal for adjudication.

“Whether the action of the management of General Manager, Telecom, Amritsar in termination of services of Sh. Mohinder Singh S/o Sh. Mohan Singh is just and legal? if not, to what relief the workman is entitled and from which date?”

2. The case taken up in Lok Adalat at the request of the parties. The authorised representative of workman Shri R. S. Rana withdraw the present reference vide his statement recorded on 30-5-2006. In view of the same, the present reference is returned as withdrawn in Lok Adalat. Central Govt. be informed. File be consigned to record.

Chandigarh.

30-5-2006

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 27 जून, 2006

का.आ. 2828.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नं. 1, चंडीगढ़ के पंचाट (संदर्भ संख्या 217/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-6-2006 को प्राप्त हुआ था।

[सं. एल-40012/22/2001-आईआर (डी यू.)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 27th June, 2006

S.O. 2828.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 217/2001) of the Central Government Industrial Tribunal-cum-Labour Court, No. I, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 27-6-2006.

[No. L-40012/22/2001-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE SHRI RAJESH KUMAR, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH

Case No. I.D. 217/2001

Smt. Asha Rani D/o Sh. Thuru Ram,
C/o Sh. N. K. Jeet,
27349, Lal Singh Basti Road,
Bhatinda (Pb.) 151001

....Applicant

Versus

1. The General Manager, Telecom,
Amritsar (Punjab) 143001

.....Respondent

APPEARANCES :

For the workman : Sh. R. S. Rana
For the management : Sh. G.C. Babbar

AWARD

Passed on 30-5-2006

Central Govt. vide Notification No. L-40012/22/2001/IR (D.U.) dated 27-4-2001 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the Management of General Manager, Telecom, Amritsar in termination of services of Smt. Asha Rani D/o Sh. Thuru Ram is just and legal ? If not, to what relief the workman is entitled and from which date ?"

2. The case taken up in Lok Adalat at the request

of the parties. The authorised representative of workman Shri R.S. Rana withdraw the present reference vide his statement recorded on 30-5-2006. In view of the same, the present reference is returned as withdrawn in Lok Adalat. Central Government be informed. File be consigned to record.

Chandigarh.

30-5-2006

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 27 जून, 2006

का.आ. 2829.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नं. 1, चंडीगढ़ के पंचाट (संदर्भ संख्या 215/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-6-2006 को प्राप्त हुआ था।

[सं. एल-40012/27/2001-आईआर (डी यू.)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 27th June, 2006

S.O. 2829.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 215/2001) of the Central Government Industrial Tribunal-cum-Labour Court, No. I, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 27-6-2006.

[No. L-40012/27/2001-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE SHRI RAJESH KUMAR, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH

Case No. I.D. 215/2001

Sh. Raj Kumar
S/o Sh. Swaran Singh,
C/o Sh. N. K. Jeet,
27349, Lal Singh Basti Road,
Bhatinda (Pb.) 151001

....Applicant

Versus

1. The General Manager, Telecom,
Amritsar (Punjab) 143001

.....Respondent

APPEARANCES :

For the workman : Sh. R. S. Rana
For the management : Sh. G.C. Babbar

AWARD**Passed on 30-5-2006**

Central Govt. vide Notification No. L-40012/27/2001/IR (D.U.) dated 27-04-2001 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the Management of General Manager, Telecom, Amritsar in termination of services of Raj Kumar S/o Sh. Swaran Singh is just and legal ? If not, to what relief the workman is entitled and from which date ?"

2. The case taken up in Lok Adalat at the request of the parties. The authorised representative of workman Shri R.S. Rana withdraw the present reference vide his statement recorded on 30-5-2006. In view of the same, the present reference is returned as withdrawn in Lok Adalat. Central Govt, be informed. File be consigned to record.

Chandigarh.

30-5-2006 RAJESH KUMAR, Presiding Officer

नई दिल्ली, 27 जून, 2006

का.आ. 2830.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डी बी एस बैंक लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 1, मुम्बई के पंचाट (संदर्भ संख्या 7/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-6-2006 को प्राप्त हुआ था।

[सं. एल-12012/225/2005-आई आर (बी-1)]

अजय कुमार डेस्क अधिकारी

New Delhi, the 27th June, 2006

S.O. 2830.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.7/2006) of the Central Government Industrial Tribunal-cum-Labour Court, No. I, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of DBS Bank Ltd. and their workman, which was received by the Central Government on 27-6-2006.

[No.L-12012/225/2005-IR(B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1, MUMBAI**

PRESENT**JUSTICE GHANSHYAM DASS**

Presiding Officer

REFERENCE NO. CGIT-07 OF 2006

Parties: Employers in relation to the management of
DBS Bank Ltd.

2057 GI/2006—24

And**Their workman****Appearances:**

For the management : Mr. Alva, Adv.

For the workman : Absent

State : Maharashtra

Mumbai dated the 14th days of June, 2006.

AWARD

1. This is a reference made by the Central Government in exercise of its powers under clause (d) of sub section 1 and sub section 2A of Section 10 of the Industrial Disputes Act, 1947 (the Act for short). Vide Government of India, Ministry of Labour, New Delhi Order No. L-12012/225/2005 IR(B-1) dt. 16-3-2006. The terms of reference given in the schedule are as follows :

"Whether the action of the Management of DBS Bank Ltd. Mumbai in terminating the services of Shri Sadiq Deshmukh w.e.f. 9-2-2005 is justified? If not, what relief Shri Sadiq Deshmukh is entitled to?"

2. The workman did not appear to contest the matter after the receipt of the notice issued by this Tribunal; instead the DBS Bank Ltd. has put in appearance through its counsel and filed before this Tribunal a copy of the Settlement arrived at in between the Bank and the workman under Rule 58 of the Industrial Disputes (Central) Rules for record and information whereby it is being reported that the dispute has been settled in between the parties and the workman has received a lumpsum amount of Rs. 3,00,000 (Rupees Three lakhs only) in lieu of his claim as full and final settlement and the workman has no claims of whatsoever nature against the Bank.

3. In view of the aforesaid settlement, the reference is hereby disposed of.

Justice GHANSHYAM DASS, Presiding Officer

नई दिल्ली, 27 जून, 2006

का.आ. 2831.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कैथोलिक सीरीन बैंक लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, एर्नाकुलम के पंचाट (संदर्भ संख्या 9/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-6-2006 को प्राप्त हुआ था।

[सं. एल-12012/83/2003-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 27th June, 2006

S.O. 2831.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 9/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Ernakulam now as shown in the Annexure in the

Industrial Dispute between the employers in relation to the management of Catholic Syrian Bank Ltd. and their workman, which was received by the Central Government on 27-6-2006.

[No. L-12012/83/2003-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT ERANKULAM

Present: Shri P.L. Norbert, B.A., LL.B., Presiding
Officer

(Friday the 16th day of June, 2006/26th Jyaistha 1928)

I.D. 9 of 2006

(I.D. 44/2003 of Labour Court, Ernakulam)

Workman/Union : The General Secretary
Catholic Syrian Bank Staff
Association
A.I.B.E.A. House, P.B. No. 506
Kallath Royal Square, Palace
Road, Thrissur.

By Advocate Shri Ranjith
Thampan

Management : The Chairman
Catholic Syrian Bank Limited
Head Office,
Thrissur-680020.

By Advocate-M/s B.S.
Krishnan Associates.

AWARD

This is a reference made by Central Government under Section 10(1) (d) of Industrial Dispute Act, 1947 for adjudication. The dispute referred is :—

"Whether the action of the management of Catholic Syrian Bank Limited in imposing the punishment of lowering of two stages in the scale of pay of Shri Jimmy C. Akkarapatty, Cashier of the Marathakkara Branch is proper and justified? If not, what relief the workman concerned is entitled to?"

2. On notice both sides entered appearance and filed statement of claim and written statement.

3. According to the worker, on an allegation that he had misbehaved and disobeyed the Assistant General Manager and acted prejudicial to the interest of the bank, the bank had initiated a domestic enquiry and a punishment of lowering of two stages in the scale of pay was imposed. The charge-sheet contained vague allegations. Different charge were clubbed together. A prior incident was unnecessarily included in the charge.

The relevant provisions of Bipartite Settlement regarding misconduct are not mentioned in the charge-sheet. The nature of misconduct is not properly described in the charge-sheet. He had neither misbehaved nor disobeyed the AGM. When AGM instructed the bank staff to take active participation in deposit mobilization he had requested AGM that certain doubts regarding the functioning of the bank had to be cleared first in order to answer the queries of customers. This was not liked by AGM and he reported to the Chairman of the bank that the worker had misbehaved to him. That is how disciplinary proceedings were initiated against the worker. The vigilance manager of the bank had conducted a preliminary enquiry and had taken statements of bank staff with a view to compel them to repeat the same version before the enquiry officer. The evidence adduced on the side of the delinquent was not properly analyzed and assessed by the enquiry officer. The enquiry officer was prejudiced. He was an officer junior to the complainant and was obliged to the latter. The complainant is short-tempered. He had exhibited his temper during his visit of another branch. The disciplinary authority without properly considering the explanation of the worker imposed the punishment. Though an appeal was filed it was rejected. The worker was transferred to a distant place pending enquiry in order to harass him. Therefore he prays to set aside the enquiry report and punishment.

4. The management filed written statement contending that the reference is not maintainable. The worker was employed as a clerk in Marathakkara branch of Catholic Syrian Bank. On 31-7-2001 when AGM of Thrissur Zonal Office had visited Marathakkara Branch for assessing developmental activities of the branch. During discussion with the staff about savings bank deposit campaign the worker had shouted and said to AGM that he was not interested in the campaign as the functioning of the bank was not proper, that higher officers were more interested in visiting the houses of Directors and paying their respects to them than proper functioning of the bank and that certain doubt about the functioning of the bank had to be cleared first before speaking about deposit mobilization. On another occasion the workman had ignored the presence of AGM pretending that he had not identified the person. This behaviour was considered improper and hence charge-sheeted for indecent behaviour, wilful insubordination, doing acts prejudicial to the interest of the bank and failure to show proper consideration and courtesy to superior officer. Since the explanation of the worker was not satisfactory a domestic enquiry was ordered. The workman was given opportunity to defend the charge. He was assisted by a defence representative. The management witnesses were cross-examined. Defence evidence was adduced. At the end of the enquiry the

workman was found guilty of the charges except the incident of 20-6-2000. The disciplinary authority after going through the enquiry proceedings, evidence on record and explanation of the workman concurred with the findings of the enquiry officer. The misconduct alleged affected discipline and morale of fellow employees of the bank. Considering the gravity of the misconduct the disciplinary authority imposed the punishment of lowering of 2 stages in the scale of pay. Before imposing punishment the workman was heard. The appeal filed by the workman was dismissed. The charges alleged in the charge-sheet are not vague. The allegations are specific and clear. The enquiry officer conducted the domestic enquiry proceedings in full compliance with principles of natural justice. The allegation that the enquiry officer is junior to the *de facto* complainant is not true. The allegation that the enquiry officer has not properly considered the evidence on the side of the workman is not correct. Every opportunity was given to the workman. The transfer of workman from Marathakkara branch to Chavakkad was purely an administrative action and a routine transfer. Wilful insubordination, indecent behaviour and doing acts prejudicial to the interest of the bank are major misconduct as per Bipartite Settlement. Failure to show proper consideration and courtesy to a senior officer is a minor misconduct. A preliminary enquiry was conducted by a senior officer of the bank to find out whether there was a *prima facie* case against the workman. It is based on that report that a charge-sheet was issued to the workman. No witness was compelled to give evidence. Therefore the action of the management in imposing punishment is proper.

5. In the light of the above pleadings, the following points arise for consideration :—

- (i) Whether enquiry proceedings were fair and proper?
- (ii) Are the charges vague and bad for compounding?
- (iii) Is the enquiry report sustainable?
- (iv) Is the punishment proportionate to the misconduct?
- (v) Reliefs and costs.

The evidence consists of oral testimony of MW1 and Ext. M1 on the side of the management and WW1 on the side of the workman.

6. POINT NO. 1:

There is a contention in paragraphs 4 and 8 of the claim statement that principles of natural justice were not followed in the enquiry proceedings. It is alleged that the enquiry officer was biased and inclined to favour the *de facto* complainant since the letter was a superior officer.

7. What exactly is the violation of principles of natural justice is not specifically pleaded in the claim statement. When the workman was in the box and examined as WW1 he admitted in the cross-examination (pages 8 and 9) that he was represented by Canara Bank Employees Union Secretary as defence representative. Throughout the enquiry himself and the defence representative had participated in the enquiry proceedings. The management witnesses were cross-examined. On the side of the defence, himself and another witness were examined. He was given sufficient opportunity to adduce evidence. This being his admission I fail to understand what was the violation of principles of natural justice and what was the illegality in the proceedings of enquiry. The enquiry officer MW1 has affirmed the above fact that the workman was given ample opportunity to adduce evidence and cross-examine the management witnesses. At the close of the evidence argument note was also submitted by defence representative. During the enquiry proceedings the workman had not raised any complaint. In fact when MW1 was cross-examined there was no effective challenge of the above aspect.

8. The next allegation is that the enquiry officer MW1 was junior to the *de facto* complainant and hence the enquiry officer had to be loyal to him. This is denied by the management in the written statement. At the time of domestic enquiry MW1 was AGM, Zonal Office, Ernakulam. The *de facto* complainant, was AGM, Zonal Office, Thrissur. Thus both officers belonged to the same rank. Assuming that enquiry officer was junior to the *de facto* complainant it does not necessarily follow that the former had to show obligation to the latter. At any rate, the *de facto* complainant was not a superior officer of the enquiry officer. Any bank officer can be appointed by the disciplinary authority as enquiry officer. MW1 was appointed as Enquiry Officer by the Head Office and not by the Zonal Officer. Therefore the enquiry officer was completely free to conduct the enquiry in an independent manner. The workman was not able to show any specific instance of favouritism or acts of obligation to the management during the enquiry proceedings. The workman has not brought out during cross-examination of MW1 that the enquiry officer was junior to the *de facto* complainant. Thus the allegation of bias or prejudice or favouritism is not proved by the workman.

9. Hence I find that the enquiry was conducted in a fair and proper manner complying with principles of natural justice and without creating any occasion for any complaint.

10. POINT NO. 2 :

According to the workman, the charges levelled against him were vague. They were compounded and considered together by the enquiry officer. The relevant clauses of Bipartite Agreement relating to the misconduct

were not mentioned in the charge-sheet. It was not specified whether disciplinary proceedings were for minor or major misconduct. As a result, the workman was not able to adequately meet the allegations levelled against him. These defects have vitiated the enquiry. Ext. M1 is the enquiry file. Ext. ME1 document in Ext. M1 (enquiry file) is the copy of charge-sheet issued to the workman. The allegation is that on 31-7-2001 when AGM of Thrissur Zonal Office, Shri Jacob J. Arakal visited Marathakkara branch to assess the developmental activities of the branch and during exhortation of the staff for Savings Bank Deposit campaign the workman intercepted and shouted at AGM saying that he was not interested in the campaign and that AGM and the other officers of his cadre were frequenting the corridors of Directors of the Bank, that he cannot participate in the campaign for deposit mobilization, that the functioning of the bank was not proper and that certain doubts regarding functioning of the bank had to be cleared first before speaking about deposit mobilization. This behaviour is alleged to be unbecoming of an employee of the bank. It was also alleged that the above acts amount to misconduct of indecent behaviour on the premises of the bank, failure to show proper consideration and courtesy to superior officer, willful insubordination and doing acts prejudicial to the interest of the bank. The charges afore-mentioned appears to be clear. The misconduct alleged is described in the charge-sheet. The conduct of the workman at the time of the incident is described and the words uttered by the workman against AGM are also narrated. It is true that the four heads of charges are not paragraphed and dealt with separately. But Ext. ME 4 (I) and (II) reply to the charge-sheet shows that the workman has recognized the four heads of charges levelled against the workman in the charge-sheet. It is stated "From above it is clear that I have not behaved indecently on the premises of the bank, that I have not failed to show proper consideration and courtesy to my superior officer, that there was no willful insubordination and that I have done nothing prejudicial to the interest of the bank". He does not say in Ext. ME 4(I) and (II) that he was not able to understand the allegations levelled against him or the grounds of charges mentioned in the charge-sheet.

11. There is no prescribed form for charge-sheet. The only criteria is that the charges should be clear so as to enable the delinquent to understand and make out clearly the charges levelled against him so that he may meet the charges adequately. To fortify this aspect the learned counsel for the management drew my attention to a passage from B. R. Ghaiye's "Law and Procedure of Departmental Enquiries in Private and Public Sectors", page 335, Vol. I, 3rd Edition. The passage says that there is no form prescribed for a charge-sheet and it may be even in the form of a letter. Management K. Tea Estate

v. A. B. C. Mazdoor Sangh 2004 LAB IC 4074 was a case in which the workman of tea estate demanded bonus of 20% as against the offer of 8.33% by the company. The workman gheraoed the Manager and threatened him. When police came to the spot, the mob became violent and damaged the bungalow and other properties of the estate. The manager was wrongfully confined and compelled to sign a document agreeing to pay 20% bonus. Disciplinary proceedings were initiated against concerned workmen and after the enquiry on the basis of the enquiry report the workmen were dismissed from service. This was questioned in Court. The Labour Court found that the manager was wrongfully confined and there was extortion of the document and hence the finding of the enquiry officer was upheld and the punishment of dismissal was also found proper. This was challenged in the writ petition and the High Court held that the Labour Court went wrong in concluding that there was extortion of document by the workmen as the charge-sheet had not mentioned about extortion of document. An appeal against the judgement of Single Bench to the Division Bench, was dismissed. Thus the matter was taken up in appeal to Hon'ble Supreme Court. In para 21 of the judgement it was observed by Hon'ble Supreme Court as follows: "From the above it is seen even in a criminal trial if there are omissions to state a particular offence in the charge, that by itself does not occasion a failure of justice unless the accused satisfies the court that the same has occasioned a failure of justice. In the instant case as noted above, in the statements filed by the management before the Labour Court, this act of extortion is specifically alleged and in the reply statement of the workmen, the same is specifically denied and parties have led evidence in regard to their respective cases on the question of extortion, therefore, it cannot be said that the workmen were misled by the omission to mention the charge of extortion. Having joined issue on this question of fact, they cannot also plead that they have been in any manner prejudiced by the said omission or misled by such omission nor can they contend that the said omission has occasioned a failure of justice." Thus, what is important is clarity about the misconduct or offence committed by the delinquent. That is there in the charge-sheet Ext. ME 1 of Ext. M1.

12. Regarding compounding of charges it is contended by the workman that two incidents of 31-7-2001 and 20-6-2000 are clubbed together and considered by the enquiry officer. It is found in page 11 of the report that considering the delay in levelling a charge regarding the incident of 20-6-2000 and in the absence of satisfactory explanation by AGM, the enquiry officer was not entering any finding regarding the incident of 20-6-2000. Thus the incident of 31-7-2001 alone was considered and discussed on merits by the

enquiry officer. The other charges pertain to a series of acts forming part of the same transaction and hence they are considered together by the Enquiry Officer. There is no infirmity in the procedure.

13. It is alleged by the workman that the relevant clauses of Bipartite Settlement regarding misconduct are not mentioned in the charge-sheet. It is held in *D. T. Undertaking v. Industrial Tribunal* AIR 1965 SC 1503 that omission to mention standing order, Regulations or sections is not a flaw in the charge. In *B. R. Ghaiye's 'Law and Procedure of Departmental enquiries in Private and Public Sectors'* referred supra, at page 340 it is explained by the author "The sole purpose of framing a charge is that the workman should be made to understand the charge against him. If the charge is clearly described in the charge-sheet then the plea that clause of the standing order was not referred under which the purported charge-sheet was issued is immaterial." The learned counsel for the workman relied on *Rasiklal Vaghjibhai Patel v. Ahmedabad Municipal Corpn.* and another 1985 1 LLJ 527 to canvass for the converse position. It is held by Hon'ble Supreme Court in para 4 of the judgement as follows: "It is thus well-settled that unless either in the certified standing order or in the service regulations an act or omission is prescribed as misconduct, it is not open to the employer to fish out some conduct as misconduct and punish the workman even though the alleged misconduct would not be comprehended in any of the enumerated misconduct." The position is different in the instant case. Bipartite Settlement provides for different acts of misconduct. The Bipartite Settlement dated 19-10-1966, Clauses 19.5 and 19.7 refer to 'gross misconduct' and 'minor misconduct'. Clauses 19.8 and 19.12 refer to punishment. Thus the Bipartite Settlement is very clear as to what kind of acts would constitute what kind of misconduct. Hence there was no difficulty for the workman to understand the offences alleged in the charge-sheet with reference of the clause in Bipartite Settlement.

14. For all these reasons, I find that the charges framed are clear and proper and there is no infirmity in the charge.

15. Point No. 3 :

It is alleged by the workman that the versions of management witnesses examined before the enquiry officer are inconsistent, that they are tutored witnesses and that the defence evidence is not properly discussed and considered by the enquiry officer.

16. The incident as already mentioned took place on 31-7-2001 at Marathakkara branch when AGM of Thrissur Zonal Office had visited the branch to assess the functioning of the branch and seek cooperation of the staff for deposit mobilization. It is alleged that during

the discussion, the workman lost his temper and spoke in an indecent manner to AGM. The AGM sent Ext. ME2 report to the Chairman on 1-8-2001 narrating the incident and also referring to a prior incident when the same workman had given a cold shoulder to him on his visit to the branch on 20-6-2000. A preliminary enquiry was conducted through the Vigilance Manager of the bank. He took statements of bank staff as well as questioned the workman. Later the same witnesses including the *de facto* complainant were examined in the domestic enquiry. Though the enquiry officer in his report has extracted the words uttered by the workman against AGM, once again I reproduce the relevant portions of the statements of the witnesses examined before the enquiry officer.

17. MW1 (in Ext. M1) is the Manager of Vigilance Department. He had conducted a preliminary enquiry. He has stated that the witnesses whose statements were recorded by him at the time of preliminary enquiry had narrated the incident and the words uttered by the workman against AGM on 31-7-2001.

MW2 is the *de facto* complainant. He has stated that while he was speaking to the staff about deposit mobilization the workman shouted and said :

"....."

MW3 is Manager, Marathakkara branch. According to him the workman had uttered the following words when AGM was talking to the staff about deposit mobilization:

"....."

MW4 is Clerk-cum-Cashier of Marathakkara branch. He stated :

"....."

[illegible]

"അമ്മേ! കയ്യെളുപ്പിച്ച് എന്റെ നെഞ്ചത്തുവെച്ചു. അവിടെ എന്റെ പൂക്കൾ... നമ്മൾ ആദ്യം അമ്മയുടെ. ദൈവം എല്ലാവർക്കും നമ്മുടെ നെഞ്ചത്തുവെച്ചു. അമ്മേ! എന്റെ നെഞ്ചത്തുവെച്ചു."

18. The allegation of the workman is that except the vigilance manager and de facto complainant, other witnesses are tutored witnesses. It is true that the statements recorded by the vigilance manager at the time of the preliminary enquiry were produced before the enquiry officer and relied on by the management. But the workman had opportunity to cross-examine all the management witnesses. He was not able to bring out during cross-examination that their versions are inconsistent or there was any compulsion from any quarters to speak in favour of management. It is to be noted that the workman was an office-bearer of employees' union at that time. Hence the bank staff would not try to victimize him by spinning a yarn against him. It is relevant to note that the workman (DW 2) admits in courts that while AGM was exhorting staff for deposit mobilization he had intervened and said that the public had certain doubts regarding stability of the bank, particularly non-declaration of dividends and non-attaining of capital adequacy. Then AGM asked him not to put questions, but to obey him. Then the workman told AGM that there was no point in taking part in the discussion when he was not permitted to ask questions. Though the workman does not admit having spoken indecently to AGM, the tenor of his statement is indicative of the resentment the workman was nursing against AGM. The talk between AGM and workman took place in the presence of manager and staff of the branch. The remarks were offensive and in bad taste, naturally, lowering the esteem of AGM before his subordinates. The workman was trying to raise a major issue about the bank during discussion in a branch with respect to a smaller issue of deposit mobilization. Major issues are to

19. The defence evidence was considered and discussed by the enquiry officer. The documents produced by the defence before enquiry officer are identity badges, transfer orders, leave applications and judgement of Industrial Tribunal Palakkad. DW1 is Clerk of Kunnathangady branch. He was Vice-President of Catholic Syrian Bank Staff Association at that time. He refers to an incident of 9-10-2001 when the same AGM had visited his branch. According to him he had interfered during discussion and requested AGM to explain about NPA recovery and hear the grievances of staff. This was not liked by AGM and he was angry. He asked DW1 to obey his direction and said that matter relating to NPA recovery will be decided by higher officers. DW1 again requested AGM to hear patiently the grievances of the staff. The AGM muttered something in reply and left the venue. This incident has nothing to do with the incident of 31-7-2001. Probably DW1 is trying to stress the aspect that the AGM by nature is short-tempered. A superior officer may be so by nature. But that does not justify insubordination or disrespectful conduct by a subordinate. The statement of DW1 can in no way support the workman and show that the incident either had not happened or had happened in a different manner. DW1 was not there at Marathakkara branch at the time of the incident on 31-7-2001.

20. The words spoken by the workman to AGM speak for itself about the misconduct alleged in the charge-sheet, namely, indecent behaviour, failure to show courtesy and proper consideration to a superior officer, willful insubordination and doing acts prejudicial to the interest of the bank. Clause 19.5 of 1966 Bipartite Settlement refer to 'gross misconduct'. Sub-clause (c) refers to indecent behaviour on the premises of the bank; (e) willful insubordination or disobedience of any lawful and reasonable order of the management or of a superior; (j) doing any act prejudicial to the interest of the bank. Clause 19.7 is regarding 'minor misconduct'. Sub-clause (j) refers to failure to show proper consideration, courtesy or attention towards officers. Thus, charges 1, 3 & 4 are 'gross misconduct' and charge 2 is a minor misconduct as per the Bipartite Settlement. It is on the basis of the evidence on record that the enquiry officer has found that the workman is guilty of all the charges leveled against him. There is no reason for this court to strike a different note.

21. The workman has a case that he is being victimized and harassed by the management ever since the alleged incident. Pending the domestic inquiry he was transferred to Chavakkad branch on the ground that he would influence the witnesses of the management. But, even after the enquiry he was not re-transferred to Marathakkara branch or any other branch near to his home town (Thrissur). The distance from 'Chavakkad branch to his home is 35 KMs., but can commute. The management says that it was a routine transfer and not an act of harassment. Whatever be the reason for transfer, it can have no bearing on the issue under adjudication. The subsequent action of the management has nothing to do with the incident regarding which there was an enquiry. For the reasons stated above, I find that the enquiry report is sustainable.

22. Point No. 4 :

The punishment imposed is lowering of two stages in the scale of pay of the workman. Clause 19.6 of Bipartite Settlement refers to the punishment for 'gross misconduct'. The punishment could be dismissal, censure, fine, stoppage of increment and discharge. Clause 19.8 provides for punishment for 'minor misconduct', such as censure, adverse remarks entered in the service book and stoppage of increment for a period not longer than six months. Of the four charges, three are 'gross misconduct' and one 'minor misconduct'. The workman had spoken to AGM in an indecent language with a view to snub him and belittle him before the staff and he had bluntly refused to obey the direction of AGM. It is an act of indiscipline and a grave misconduct. When these acts were committed in the presence of the staff the offence becomes more grave. The superior officer will find it difficult to discipline the other staff. Therefore, deterrent punishment is warranted. Lowering of two stages in the pay scale can not at all be said to be a severe punishment for 'gross misconduct' (See Clause 19.6 of the Bipartite Settlement). The workman was an office-bearer of the union and he was more responsible than any other staff to show respect to AGM. The management has taken only a lenient view in the matter of punishment. I have no hesitation to say that the punishment imposed is proportionate to the gravity of the misconduct committed by the workman. In the circumstances, no interference in the punishment is called for.

23. In the result, an award is passed holding that the finding of the enquiry officer is correct and the punishment imposed by the disciplinary authority is proportionate to the guilt and the claim of the workman to set aside the finding and punishment is rejected. No cost.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 16th day of June, 2006.

P. L. NORBERT, Presiding Officer

APPENDIX :

Witness for the Union :

WW1—Shri Jimmy C. Akkarapatty.

Witness for the management :

MW 1—Shri Joseph Bernad Mathew.

Exhibits for the Union :

Nil.

Exhibited for the Management :

M1—Domestic enquiry file.

नई दिल्ली, 27 जून, 2006

का.आ. 2832.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कैथोलिक सीरियन बैंक लि. के प्रबंधन के संबंध में निम्नलिखित और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, एर्नाकुलम के पंचाट (संदर्भ संख्या 38/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-6-2006 को प्राप्त हुआ था।

[सं. एल-12012/73/1994-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 27th June, 2006

S.O. 2832.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (No. 38/2006) of the Central Government Industrial Tribunal/Labour Court, Ernakulam now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Catholic Syrian Bank Ltd. and their workmen, which was received by the Central Government on 27-6-2006.

[No.L-12012/73/1994-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT ERNAKULAM

PRESENT:

Shri P.L. NORBERT, B.A., LL.B., Presiding Officer
(Wednesday the 31st day of May, 2005/10th Jyaistha 1928)

I.D. 38 of 2006

Workman/Union

The General Secretary,
Catholic Syrian Bank Staff
Association,
47, Unity Building, Mannadiar
Lane, Thrissur—680001.

Management

The Chairman,
Catholic Syrian Bank Limited
Head Office,
St. Mary's College Road,
Thrissur—680020.

By Advocate—M/s. B.S. Krishnan Associates.

AWARD

This is a reference made by Central Government under Section 10(1) (d) of Industrial Dispute Act, 1947 for adjudication. The reference was originally made to the State Labour Court. Later it was transferred to this court as per the order of the Hon'ble High Court of Kerala. The dispute referred is :—

“Whether the action of the management of Catholic Syrian Bank Limited in not paying special allowance to sub-staff on transfer is justified? If not, to what relief the workmen are entitled to?”

2. Union is absent Management present. Nobody has filed Vakalath for union after a lapse of two years. No claim statement is also filed. Today there is no representation also. Hence there is no existing dispute and the claim is dismissed and an award is passed accordingly. The award will take effect one month after its publication in the official Gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 31st day of May, 2006.

P. L. NORBERT, Presiding Officer

APPENDIX : NIL

नई दिल्ली, 27 जून, 2006

का.आ. 2833.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार लक्ष्मी विलास बैंक लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट (संदर्भ संख्या 357/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-6-2006 को प्राप्त हुआ था।

[सं. एल-12012/109/2004-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 27th June, 2006

S.O. 2833.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (No.357/2004) of the Central Government Industrial Tribunal-cum-Labour Court Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Lakshmi Vilas Bank Ltd. and their workman, which was received by the Central Government on 27-6-2006.

[No. L-12012/109/2004-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI**

Monday, the 3rd April, 2006

Present : K. JAYARAMAN, Presiding Officer

Industrial Dispute No. 357/2004

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of the Lakshmi Vilas Bank Ltd. and their workmen.)

BETWEEN

Sri A. Selvakumar : I Party/Petitioner

AND

The Chief Manager, : II Party/Petitioner
The Lakshmi Vilas Bank Ltd., Karur

APPEARANCES :

For the Petitioner : Mr. S. Girija Advocate.

For the Management : Mr. A.K. Mylsamy, Advocate.

AWARD

The Central Government, Ministry of Labour vide order No. L-12012/109/2004-IR(B-I) dated 13-5-2004 has referred this industrial dispute to this Tribunal for adjudication. The Schedule mentioned in that order is—

“Whether the action of the management of The Lakshmi Vilas Bank Ltd. in terminating the services of Shri A. Selvakumar w.e.f. 26-2-94 without conducting any enquiry is justified? If not, to what relief he is entitled to?”

2. After the receipt of the reference, it was taken on file as I.D. No.357/2004 and notices were issued to both the parties and both the parties entered appearance through their advocates and filed their Claim Statement and Counter Statement respectively.

3. The allegations of the Petitioner in the Claim Statement are briefly as follows :—

The petitioner was working as a clerk under the Respondent/Management from 1980 onwards in various branches and finally in Kandhili branch at Thiruppathur Taluk. He was suffering from continuous illness and has sent leave applications for four spells from 1-12-93 to 23-2-94 along with medical certificates. On 28-1-2004 the Respondent/Management sent a communication stating that his absence from 27-10-93 is an unauthorised one and there by calling upon him to report for duty within 30 days from the date of notice based on Section 17 of Bipartite Settlement dated 10-4-89. After receiving the said notice on 1-2-94, the Petitioner reported for duty on 24-2-94 in Kandhili branch and handed over the joining letter but the Branch Manager bluntly refused to permit the Petitioner to join duty. Immediately, the Petitioner sent a telegram to Divisional Manager, Salem and Chairman at Karur stating that Branch Manager is not permitting him to join duty on 24-2-04. On the next day, he sent a telegram notice to the Manager, Kandhili branch stating that action of the Respondent in refusing to provide job is unlawful and unethical. He also sent registered representation to Assistant General Manager through Branch Manager on 24-2-94. Again on 25-2-94, he again sent a registered letter to Divisional Manager and also met the Industrial Relations Manager of Personnel department of Respondent/Bank and told him that he was not permitted by Branch Manager to join duty and the Industrial Relations Manager advised the

Petitioner to act according to the instructions of Assistant General Manager. On 26-2-94 the Petitioner sent registered letter to AGM narrating all the above facts and requested him to provide a special letter to the Branch Manager. But, the AGM has abruptly sent a communication on 28-2-94 stating that since the petitioner has not reported for duty till 26-2-94 his name was deleted from 26-2-94 without considering the various efforts taken by the Petitioner, which is illegal and deletion of his name from roll is without considering his representation is arbitrary and against principles of natural justice. Even though the Respondent/Management alleged that all the leave applied for by the Petitioner are unauthorised one, they have neither rejected nor returned the leave applications. Further, deleting the name of Petitioner from rolls on 26-2-94 without issuing any notice, farming charges and even without conducting any enquiry is unlawful. It is a clear case of victimization done against principles of natural justice and also provisions of Section 25F of I.D. Act. The Petitioner then filed an appeal before the Deputy Commissioner of Labour under Shops & Establishment Act in TSE No. 8/94 challenging order of termination and the appeal was allowed on 13-3-97. Against that order, Respondent/Management preferred a Writ Petition before the High Court and High Court by and order dated 12-12-2003 without going into the merits of the case, allowed the same on the ground that authority has no jurisdiction to decide the Matter. Hence, the Petitioner raised this dispute before Assistant Commissioner of Labour (Central). Therefore, the petitioner prays to pass an award to set aside the order of termination and to reinstate the Petitioner into service with full back wages, continuity of service and other attendant benefits.

4. In the Counter Statement, the Respondent has contended that though the Petitioner was working as a clerk he was not really interested in the job. He was not available for employment continuously for long periods. In the year 1991 he reported for work only for 12 days, in 1992 for 25 days and in the year 1993 for 12 days. The Petitioner has exhausted all the leave entitled for an employee and even after exhausting his leave he continued to submit his leave application from time to time. The said leave applications were rejected by the Respondent/Bank with an endorsement 'unauthorised absence with consequent cut in salary'. Leave applications for the period from 30-10-93 to 5-11-93, 6-11-93 to 30-11-93, 1-12-93 to 21-12-93, 22-12-93 to 10-1-94 and 11-1-94 to 5-2-94 was never sanctioned by Respondent/Bank. Therefore, his continuous absent for 90 days attracted provisions of Section 17 of Bipartite Settlement dated 10-4-89. Since the Petitioner absented for duty unauthorisedly as per the terms of para 17 of settlement, notice dated 28-1-94 was issued to the Petitioner calling upon him to show cause why para 17 of Bipartite Settlement should not be invoked and he was further called upon to report for duty within 30 days thereof and to give satisfactory explanation and in the absence of reply, his name will be deleted on the expiry of 30 days notice which expired on 26-2-94. The Petitioner was not reported for duty on 24-2-94 as alleged

by him. Para 17 of the Bipartite Settlement does not speak of receipt of notice i. e. only the date of notice. It is false to allege that the Petitioner reported for duty on 24-2-94 and he was prevented from joining duty. The Respondent/Bank neither received any communication at its Kandali branch nor at its administrative office. Cessation of employment of Petitioner brought about in the said circumstances would not amount to a termination by the Respondent/Bank. Therefore, deletion of Petitioner's name from the rolls cannot be said as arbitrary and against the principles of natural justice. Previously, the Petitioner has abstained from duty unauthorisedly from 29-4-93 and when his unauthorised absence crossed 90 days a notice dated 28-4-93 was issued in terms of para 17 of Bipartite Settlement dated 10-4-89 and immediately he reported for duty on 20-10-93 with a view to avoid deletion of his name in terms of settlement dated 10-4-89. Subsequent to that he had again indulged in unauthorised absence from 27-10-93 and from 30-10-93. Since the Petitioner having failed to get favourable orders under Tamil Nadu Shops & Establishment Act has come before this Tribunal with the same baseless allegations. But, the mere fact that the Petitioner from January, 1991 to 28-1-94 has reported for duty only for 49 days shows how much interest he has got towards employment. The countenance of the claim of Petitioner would amount to gross abuse of process of law. Hence, for all these reasons, the Respondent prays that the claim may be dismissed with costs.

5. Again, in the rejoinder, the Petitioner alleged that notice dated 28-1-94 of the Respondent/Bank was received by him on 1-2-94 and therefore, he has got time 3-3-94. Though the Respondent alleged that the time prescribed in the notice expired on 26-2-94, he has approached the Respondent/Bank on 24-2-94 and submitted his joining report. Only because he was not permitted to join duty, he sent a telegram on the same day i.e. 24-2-94 regarding actual happenings to the Assistant General Manager, Divisional Manager and Chairman of the Respondent/Bank. Even the AGM received the representation given by the Petitioner on 26-2-94 and without considering the above representation, the AGM issued a communication dated 28-2-94 to the effect that the Petitioner's name has been removed from the rolls w.e.f. 26-2-94. Even after that he has sent a detailed reply to Divisional Manager and it was received by him on 1-3-94. When there was a difference of opinion regarding issue of joining duty, the Respondent/Bank ought to have conducted an enquiry to clarify the issue and the Petitioner should have given an opportunity to explain the genuineness of his case. Therefore, without conducting any enquiry the order passed by the Respondent/Management is illegal and against the principles of natural justice. Even the High Court in number of decisions held that 'date of notice' has to be read as "date of receipt of notice" otherwise it will be liable to be struck down as violative of Article 14 of the Constitution. Since the striking of his name from rolls of bank is a clear case of termination which amounts to retrenchment, the same is illegal and invalid

in the absence of complying with mandatory provisions of Section 25F of the I.D. Act. Hence, he prays for an award in his favour.

6. Again, the Respondent/Management filed an additional counter alleging that Petitioner had been charge sheeted on three prior occasions for his frequent unauthorised absence and appropriate punishment was also imposed on three occasions. In all these cases, the Petitioner reported for duty purposely and willfully before expiry of notice period and worked for few days and again remained absent from duty. He had been referred to medical board/DMO on several occasions for his continued absence on various days to find out his fitness to resume duty but the Petitioner did not appear before the medical board and prolonging the matter. Therefore, the Petitioner is not entitled to any relief and hence, the Respondent prays to dismiss the claim of the Petitioner with costs.

7. In these circumstances, the points for my determination are—

- (i) Whether the action of the Respondent/Management in terminating the services of the Petitioner Sri A. Selvakumar w.e.f. 26-2-94 without conducting any enquiry is justified ?
- (ii) To what relief the Petitioner is entitled ?

Point No. 1:—

8. The case of the Petitioner is that while he was working as a clerk in Kandhili branch at Thirupathur Taluk of the Respondent/Bank, due to his ulcer problem, he submitted leave application for the period from 27-10-93 to 30-11-93. Since his illness continued, he sent leave application for further period of four spells from 1-12-93 to 23-2-94 along with medical certificates. But all these leave were not sanctioned and by a communication dated 28-1-94, the Respondent/Bank stated that his absence from 23-10-93 was unauthorised one and called upon him to report for duty within thirty days from the date of notice as per para 17 of Bipartite Settlement dated 10-4-89. This communication was received by him on 1-2-94 and as per notice he has got time till 3-3-94. Further, he reported for duty on 24-2-94 itself before the Branch Manager of Kandhili branch of Respondent/Bank. But, the Branch Manager has not permitted him to join duty and immediately he has informed the same to the Divisional Manager, Salem and Chairman of the Respondent/Bank at Karur. Even though he has taken immediate action against the illegal act of the Branch Manager, the Respondent/Management on 28-2-94 sent a notice that the Petitioner has not reported for duty till 26-2-94 and hence his name was deleted from 26-2-2004 without considering all the efforts taken by the Petitioner. Hence, he raised this dispute.

9. But, as against this, the Respondent denied the allegation that the Petitioner was not permitted to join duty on 24-2-94 and they reiterated their stand that the action taken by them is legal.

10. To substantiate his claim, the Petitioner examined himself as WW1 and on the side of the Petitioner 12 documents were marked as Ex. W1 to W12. As against this, on the side of the Respondent one Sri N. Subramanian who is working as Chief Manager, HRD of Respondent/Bank was examined as MW1 and on their side 48 documents were marked as Ex. M1 to M48.

11. At this stage, the point to be decided in this case is 'whether the allegation made by the Petitioner that he had ready to join duty on 24-2-1994 is true and whether the action taken by the Respondent/Management is legal ?

12. Learned counsel for the Petitioner contended that Ex. W4 namely the notice alleged to have been sent on 28-1-94 was sent through recorded delivery, but the Respondent/Management has not produced any document to show that Ex. W4 was despatched to the Petitioner. MW1 who was examined on the side of the Respondent has stated that he did not know the correct date of despatch of Ex. W4. On the other hand, the Petitioner has received Ex. W4 notice on 1-2-94 and therefore, learned counsel for the Petitioner contended that the Petitioner has got time till 3-3-94 to report for duty as per Ex. W4 notice i.e. thirty days from 1-2-94, but even before this date, the Petitioner reported for duty on 24-2-94 but the Branch Manager of Kandhili branch has not permitted him to join duty. This fact was recorded by the Petitioner by way of telegram to various officers of the Respondent/Management. But, the Respondent/Management having successfully prevented the Petitioner from joining duty, hastily removed the name of the Petitioner from the rolls as early as 26-2-94 itself, which is against the principles of natural justice. Learned counsel for the petitioner further relied on the rulings reported in 1994 WRIT L.R. 408 BAKTHAVATSALAM Vs. INDIAN OVERSEAS BANK, wherein the High Court of Madras while dealing with the same provision in the case of Indian Overseas Bank with regard to date of notice, it has held that "*date of notice has to be read as date of receipt of notice otherwise, the said clause will be struck down as violative of Article 14 of Constitution.*" Therefore, learned counsel for the Petitioner relying on this judgement argued that it is established from this decision that term of thirty days from the date of notice must be construed from the date of receipt. But, in this case even prior to this date, the Petitioner had approached the Respondent/Bank branch at Kandhili, but the Branch Manager has refused to permit him to join duty. Therefore, the order passed by the Respondent/Management invoking the provisions of Section 17 of Bipartite Settlement is not valid. Learned counsel for the Petitioner further contended that the Respondent witness namely MW1 has clearly admitted that he was not working in the II Party/Bank during the year 1994, therefore, he did not know personally anything in this matter and he speaks only through records. Therefore, MW1 is not a competent person to say anything about the receipt of Ex. W5 series telegrams. In this case,

apart from Ex. W5 telegrams, on 25-2-94 the Petitioner caused telegraphic notice through his lawyer to the Branch Manager, Kandhili of II Party/Management to the effect that he was not permitted to join duty and stated that his action is illegal. Even with regard to this document, the management witness has stated that he has no knowledge about the receipt or non-receipt of Ex. W6. Even assuming for argument sake without conceding that telegrams were sent by the Petitioner without actually reporting for duty on 24-2-94 nothing prevented the Respondent/Management to immediately reply to the Petitioner on receipt of telegrams that he has not reported to duty. The Petitioner has also sent Ex. W7 letter dated 24-2-94 to the Assistant General Manager with a copy to the Divisional Manager of Respondent/Bank stating that he reported for duty on that date i.e. 24-2-94 and it was also received on 26-2-94 and it was known from the copy of acknowledgement filed by the Petitioner. Even for this Respondent/Management witness deposed in the cross examination that he has no knowledge about Ex. W7 letter. Apart from this, the Petitioner has also sent Ex. W8 letter dated 25-2-94 to the Divisional Manager of Respondent/Bank appraising all the above happenings and it is also clear that he has received this letter on 1-3-94. The Petitioner has also sent Ex. W9 letter dated 26-2-94 to the Assistant General Manager and the same was also received by the Assistant General Manager. Even for this, MW1 has stated that the original of Ex. W1 is not on the bank records. But, on the side of the Respondent/Bank letter dated 25-2-94 was marked as Ex. M14 which was sent by the Petitioner to Assistant General Manager. But during the cross examination, MW1 has stated that he has no knowledge of date of receipt of Ex. M14. Further, he has stated that we have not given any reply to the same. In the absence of any document to prove that it was received subsequent to 26-2-94, it can be presumed that the same was received by Assistant General Manager even on 26-2-94 itself. Since the Respondent management having received all the telegrams, registered letters sent by the Petitioner that he was not permitted to join duty and the Respondent/Management having not chosen to give reply for all these communications, the contention of the Respondent that all these documents are created for the purpose of this case cannot be believed. Therefore, the action of the Respondent/Management in deleting the name of the Petitioner from the rolls of Respondent/Bank is illegal and against the principles of natural justice. Learned counsel for the Petitioner further contended that even assuming for an argument sake that the Petitioner without actually reporting for duty on 24-2-94 and he has created all these documents, nothing prevented the Respondent/Management to immediately initiate disciplinary enquiry against the Petitioner to know the real facts. But, without doing all these things, the Respondent/Management want only terminated the Petitioner from the services of the Respondent/Bank. Hence, an award is to be passed against the Respondent/Bank to reinstate the Petitioner into service as prayed for.

13. As against this, learned counsel for the Respondent contended that even prior to this incident the Petitioner has been charge sheeted on prior occasions for his frequent unauthorised absence and after holding enquiry appropriate punishment was imposed on the three occasions. On 26-12-1983, the petitioner was punished with stoppage of one increment postponing his future increments and again, the Petitioner was charge sheeted on 17-8-88 and 30-11-90 and punished further with stoppage of three increments and five increments respectively. Even after these punishments the Respondent/Management invoked the provisions of para 17 of Bipartite Settlement dated 10-4-89 and issued notice to the Petitioner on 3-7-92, 19-2-93 and 28-9-93 for his continued absence. To be treated as voluntary cessation of service. The Petitioner immediately reported for duty purposely and willfully before expiry of notice period and worked for few days and again remained absent himself from duty. Further, the petitioner had been Referred to Medical Board on several occasions for his continued absence on various dates. Thus, he was referred to appear before Medical Board on 26-9-88, 20-10-89, 27-6-91, 27-1-93 and 18-8-93 of which he did not appear before the medical board on 27-6-91, 27-1-93 and 18-8-93 despite having received instructions. Therefore, in these circumstances, the Petitioner is not entitled to any relief and he is a chronic absentee for duty and he has no interest in employment and he has created all these documents for the purpose of this case and contended that he has reported for duty on 24-2-94.

14. Though I find some vehement in the arguments of the learned counsel for the Respondent, it is clear from the documents produced by the Petitioner namely Ex. W5 to W7 namely copy of telegrams dated 24-2-94 to 25-2-94 that he was ready to join duty and only the Branch Manager has refused to permit him from joining duty. Even assuming for argument sake that as per notice dated 28-1-94, thirty days notice expired on 26-2-94, even prior to this date, the Petitioner has taken steps to join duty and he was prevented by the Respondent/Management. Therefore, I find without giving any reply to the action taken by the Petitioner, the Respondent/Management waited till 28-2-1994 and issued notice under Ex. W10 that they have invoked the provisions under para 17 of Bipartite Settlement and his name has been removed from the rolls of the bank. I find there is no bona fide on the part of the Respondent/Bank to contend that the Petitioner has not joined duty before 26-2-94. No doubt, provisions of para 17 of Bipartite Settlement state that when an employee reports for duty within thirty days of notice and gives explanation for his absence within the said period of 30 days satisfying the Respondent/Management that he has not taken up another employment or a vacation and that he has no intention of not joining duty, the employee will be deemed to have voluntarily retired from the bank's service on the expiry of the said notice. In the event of the employee submitting satisfactory reply, he shall be permitted to report for duty thereafter within thirty days

from the date of expiry of the above said notice without prejudice to the bank's right to take any action under the law or rules of service of the bank. Even assuming that the Petitioner is a chronic absentee without any leave, in such circumstances, the Respondent/Bank has got right to take action under law or rules of service for his unauthorised absence. In this case, since the Petitioner has established before this Tribunal that he has joined duty before the expiry of thirty days and it was only the Respondent/Management prevented him from joining duty, I find the action taken by the Respondent/Bank by invoking provisions of para 17 of Bipartite Settlement is not legal. Therefore, I find this point against the Respondent/Bank and in favour of the Petitioner.

Point No. 2 :—

The next point to be decided in this case is to what relief the Petitioner is entitled?

15. In view of my foregoing findings that the action of the Respondent/Bank in terminating the services of the Petitioner with effect from 26-2-94 without conducting any enquiry is not justified. I find the Petitioner is entitled to the relief as prayed for. However, with regard to back wages, since the Petitioner has not adduced any evidence that he is all along without any employment, I find in the circumstances of the case, the Petitioner is entitled only to half of the bank wages. Therefore, I direct the Respondent/Bank to reinstate the Petitioner into service with continuity of service and all other attendant benefits and with regard to back wages, the Petitioner is entitled to half of the back wages. It is further ordered that there is no prohibition in taking departmental action again by way of conducting domestic enquiry against the Petitioner by the Respondent/Bank with regard to his unauthorised absence from 27-10-93. No costs.

16. Thus, the reference is answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 3rd April, 2006.)

K. JAYARAMAN, Presiding Officer

Witnesses Examined :—

For the I Party/ : WW1 Sri A. Selvakumar
Petitioner

For the II Party/ : MW1 Sri N. Subramanian
Management

Documents Marked :—

For the I Party/Petitioner :—

Ex. No.	Date	Description
W1	18-11-80	Xerox copy of the appointment order issued to Petitioner.
W2	22-6-81	Xerox copy of the confirmation order of Petitioner.
W3	27-08-87	Xerox copy of the promotion order of Petitioner.

Ex. No.	Date	Description
W4	28-01-94	Xerox copy of the letter from Respondent to Petitioner.
W5	Nil	Xerox copy of the telegram series sent to Respondent.
W6	Nil	Xerox copy of the telegram sent by Petitioner's counsel to Respondent.
W7	24-02-94	Xerox copy of the letter from Petitioner to Respondent with A.D. card.
W8	25-02-94	Xerox copy of the letter from Petitioner to Respondent/Management.
W9	26-02-94	Xerox copy of the letter from Petitioner to Respondent with AD card.
W10	28-02-94	Xerox copy of the letter from Respondent/Bank to Petitioner.
W11	Nil	Xerox copy of the S.B. Account opening slip of N.A. Central Co-op. Bank.
W12	13-03-97	Xerox copy of the order in T.S.E. No. 8/94.

For the II Party/Management :—

Ex. No.	Date	Description
M1	17-08-88	Xerox copy of the Charge Sheet issued to Petitioner.
M2	07-09-89	Xerox copy of the proposed order
M3	03-11-89	Xerox copy of the final order.
M4	30-11-90	Xerox copy of the Charge Sheet issued to Petitioner.
M5	21-11-91	Xerox copy of the notice issued by Disciplinary Authority.
M6	27-12-91	Xerox copy of the final order.
M7	10-11-93	Xerox copy of the Charge Sheet issued to Petitioner.
M8	03-07-92	Xerox copy of the notice to Petitioner to report for duty.
M9	19-02-93	Xerox copy of the notice to Petitioner to report for duty.
M10	02-03-93	Xerox copy of the reply given by Petitioner.
M11	28-09-93	Xerox copy of the notice.
M12	13-10-93	Xerox copy of the reply given by Petitioner.
M13	28-01-94	Xerox copy of the notice issued to Petitioner.
M14	25-02-94	Xerox copy of the reply submitted by Petitioner.
M15	28-02-91	Xerox copy of the notice from Respondent to Petitioner.

Ex. No.	Date	Description	Ex. No.	Date	Description
M16	03-07-92	Xerox copy of the notice from Respondent to Petitioner	M40	08-07-91	Xerox copy of the letter from Divisional Office of Respondent to Personnel Department, Karur.
M17	30-01-92	Xerox copy of the certificate of fitness to return to duty.	M41	30-01-92	Xerox copy of the certificate of fitness to return to duty.
M18	12-10-93	Xerox copy of the letter from Respondent to Petitioner.	M42	19-03-93	Xerox copy of the certificate of fitness to return to duty.
M19	27-11-93	Xerox copy of the Charge Sheet issued to Petitioner.	M43	27-12-93	Xerox copy of the letter from Divisional Office to Kandhili Branch Regarding sanction of leave of Petitioner.
M20	09-7-83	Xerox copy of the circular issued by Personnel department.	M44	05-01-94	Xerox copy of the letter from Respondent to Petitioner.
M21	16-05-87	Xerox copy of the letter from Respondent to Petitioner.	M45	21-01-94	Xerox copy of the letter from Divisional Office to Kandhili branch Regarding sanction of leave of Petitioner.
M22	24-06-87	Xerox copy of the letter from Respondent to Petitioner.	M46	20-01-94	Xerox copy of the letter from Personnel Department of Kandhili Branch Regarding sanction of leave of Petitioner.
M23	19-08-87	Xerox copy of the letter from Respondent to Petitioner.	M47	04-02-94	Xerox copy of the telegram sent by personnel department to Petitioner.
M24	29-08-87	Xerox copy of the assurance letter from Petitioner.	M48	21-01-94	Xerox copy of the letter from Divisional Office to Kandhili branch Regarding sanction of leave of Petitioner.
M25	19-06-89	Xerox copy of the letter from Respondent to Petitioner.			
M26	09-11-89	Xerox copy of the letter from Respondent to Petitioner.			
M27	16-12-89	Xerox copy of the letter from Respondent to Petitioner.			
M28	27-12-89	Xerox copy of the letter from Respondent to Petitioner.			
M29	23-04-90	Xerox copy of the letter from Respondent to Petitioner.			
M30	17-02-93	Xerox copy of the letter from Respondent to Petitioner.			
M31	28-05-88	Xerox copy of the letter from Respondent to Petitioner.			
M32	25-08-88	Xerox copy of the letter from Respondent to DMO.			
M33	05-10-89	Xerox copy of the letter from Respondent to DMO.			
M34	30-05-91	Xerox copy of the letter from Respondent to Petitioner.			
M35	04-06-91	Xerox copy of the letter from Respondent to Petitioner.			
M36	20-06-91	Xerox copy of the letter from Respondent to Petitioner.			
M37	14-12-91	Xerox copy of the letter from Respondent to Petitioner.			
M38	28-07-93	Xerox copy of the letter from Respondent to Joint Director of Medical Services.			
M39	18/26-08-93	Xerox copy of the notice sent by Joint Director of Medical Services, Vellore to Petitioner.			

नई दिल्ली, 27 जून, 2006

का.आ. 2834.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ मैसूर के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बंगलौर के पंचाट (संदर्भ संख्या 31/00) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-6-2006 को प्राप्त हुआ था।

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अजय कुमार, डेस्क अधिकारी

New Delhi, the 27th June, 2006

S.O. 2834.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.31/00) of the Central Government Industrial Tribunal/Labour Court Bangalore now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of Mysore and their workman, which was received by the Central Government on 27-6-2006.

[No. L-12012/469/99-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
BANGALORE

Dated : 7th June, 2006

Present :

A.R. SIDDQUI, Presiding Officer

C.R. No. 31/00

I PARTY

Sh. M.T. Krishnappa,
 S/o Thimmaiah,
 C/o Hanumaiah,
 No. 4/101, 'B' Street,
 Jagajeevanaramnagar,
 Bangalore-560 018

II PARTY

The Managing Director,
 State Bank of Mysore,
 K.G. Road,
 Bangalore

AWARD

1. Central Government by exercising the powers conferred by clause (d) of Sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-12012/469/99 dated 24th May, 2000 for adjudication on the following schedule :

“Whether the action of the management of the State Bank of Mysore is justified in terminating the services of Shri M.T. Krishnappa w.e.f. April 1998 ? If not, to what relief the workman is entitled ?”

2. The case of the first party workman as made out in the Claim Statement, to put in nut-shell, is that he worked with the management Maddur Branch, Mandya District continuously from 01-03-1983 till October 1985 and for no good reasons his services were terminated. After some time he was again called back and discharged his duty at the said Branch continuously till 1995 thereby putting in 14 years of continuous service without proper payment or his services being confirmed. Once again he was terminated from service in November 1995 and was taken back in service on 7-12-1995 and was working at Mandya main Branch till July 1996. He was transferred to Bangalore from Mandya Branch in August 1996 and from August 1996 to November 1996 he worked at Richmond Road Branch, Bangalore and then he was shifted to Dr. Ambedkar Veedhi Branch where he worked up till April 1998 and then he was refused work once again for no good reasons; that he was twice interviewed for the permanent post in the year 1986 and 1991 but has not been selected though fulfilled required qualifications and worked for a period of 219 days as on 31-10-1984, despite the bulletin dated 6-1-1988 issued by the management which provides for service of 90 days on or before 31-10-1984. He protested against his non-selection for permanent post but of no avail. Therefore, since he worked with the different branches of the management bank right from the year 1983 uptill 1988, the action of the management in not making him

permanent with job and then terminating his services without valid and sufficient reasons much less conducting any enquiry tent amounts to illegal termination and it is the case of clear victimization. Therefore, he initiated conciliation proceedings ending in failure report and resulting in to the present reference. He prayed for award with a direction to the management to reinstate him in service with full back wages, continuity of service and other consequential benefits.

3. The management by its Counter Statement resisted the claim of the first party inter alia, contending that he was just working as a casual worker on temporary basis from time to time being provided work at his request by managers of different branches but he never worked at any branch and in any calendar year continuously for 240 days or more and therefore, cannot be allowed to the reliefs sought for or to maintain the dispute under I.D. Act; that the first party intermittently worked as a casual worker for 219 days during the years 1983-84 & 1984-85 and never worked subsequent to the year 1985 at the said Mandya Branch. He worked in different branches during the period from 1995 to 1998 intermittently on casual basis but never worked continuously for a period of 240 days and more in a block period of 12 months. He was given certificates for having worked in different branches just to enable him to get work atleast on casual basis, that too, on the requests made by him. At para 4 of the Counter Statement the management gave the details of total working days the first party was engaged in various branches of the management bank disclosing that he worked at Maddur Branch in the year 1983-84 & 1984-85 for a total period of 219 days, at Mandya Branch in the year 1995-96 for a period of 127 days, at Richmond Road branch for 89 days from August 1996 to December 1996, 91 days at Sampangiramnagar Branch from March to June 1997 and lastly in the year 1998 for a period of 90 days, once again at Richmond Road Branch, Bangalore. therefore, the management contended that in none of those branches the first party workman continuously worked for a period of 240 days and more much less in a particular calendar year nor he was found suitable for the selection of sub-staff post when he was interviewed twice having fulfilled the condition of 90 working days as on 31-10-1984 as per the circular issued by the management bank. In the result the management requested this tribunal to reject the reference there being no case of termination or violation of any of the provisions of law.

4. During the course of trial, the management examined one witness as MW1 and got marked the extract of record for having paid wages to the first party at different branches at Ex. M1 series. His statement in examination chief relevant for the purpose is as under :—

“I know the facts of the case. I am giving evidence on the basis of the records. I know the workman by way of records. I party was employed as

Casual Labourer in the year 1983. In 1983 he worked for 65 days. Again in 1984, he worked for 17½ days at Maddur. In 1985 he worked for 74½ days. He also worked at Mandya. He worked at Mandya for 10 days. First party was engaged as Casual labourer whenever permanent employer was not available. He was appointed as Casual labourer whenever there was work. Again in 1996 he worked at Mandya for 117 days between January and July 1996. He also worked in Bangalore at Richmond Road for 90 days, between August 1996 to December 1996. In 1997 he worked for 91 days. It was from March to June. He worked for 90 days from September 1997 to November 1997. Again he worked for 90 days i.e. January 1998 to April 1998. Ex. M1 series are the extracts of the record for having paid wages for the workman at different branches. He has never worked continuously for 240 days in any year. First party was not transferred by the bank. He was not a permanent employee. Reference may be rejected."

5. The first party on his party examined himself as WW1 by filing his affidavit evidence, almost, repeating the various averments made by him in the Claim Statement and in his further examination chief got marked 9 documents at Ex. W1 to W9. His further examination chief with reference to documents and his statement in cross examination is as follows :

"Today, I have produced service certificates at Sl. No. 1, 6 to 11 and 2, they are marked as Ex. W1 series. Bulletin at Sl. 3 is at Ex W2. Appointment letter is at Ex. W3 is at Sl. No. 4. Interview letter at Sl. No. 5 is at Ex. W4. Circular at Ex. W5. Legal notices at Sl. No. 13 and 14 is at Ex. W6 series. Reply to that is at Ex. W7 TC extract (Xerox copy is at Ex. W8. From No. 1 (Xerox copy) is at Ex. W9."

"Cross Examination :—I was engaged by the management as a Casual Labourer, Maddur Branch. It is not true to say that I was being engaged whenever permanent employee was going on leave. It is true that I have worked for a period of 65 days in the year 1983, so also for 17 and half days in 1984 and 74 and half day in 1985 at Maddur branch. I have worked as Temporary peon for 3 days and 8 days as Watchman in December 1995. Like wise in January 1996 I have worked as casual labourer and watchman for a total period of 10 days. From February 1996 to July 1996, I have worked for 100 days in that Capacity at Madhya Branch. At Richmond Road, Bangalore I have worked as a Temporary peon for a period of 89 days from August 1996 to December 1996. It is true that there after at Sampangiramnagar Branch I have worked for 91 days from March 1997 to June 1997. Likewise at Dr. Ambedkar Veedhi Branch, I have worked for 90 days from September 1997 to November 1997. I again worked at Richmond Road

branch from January 1998 to April 1998 for a period of 90 days. I have received the payment as per Ex. M1. I had attended interview held by the bank once in 1986 and 1991. It is not true to suggest that I did not share well both the interviews and therefore, was not selected for the temporary peon. It is not true to suggest that in no calendar year at any branch, I have worked for a period of 240 days continuously and that I am not entitled to any relief."

6. I would like to come to the oral testimony of MW1 & WW1 and the documents as and when found relevant and necessary.

7. Learned counsel for the management in his argument while taking support of the very statement of the first party in his cross examination and the documents produced by him as well as the statement of MW1 and the above said extract of record for payment of wages to the first party marked at Ex. M1 series, submitted that admittedly the first party has not worked at any branch of the management bank for a period of one year continuously nor he worked for the above said period continuously in any calendar year and that his services being engaged on casual basis temporarily, there was no question of termination of the services and in the result he cannot seek any relief on the ground of alleged illegal termination and therefore, he should not be considered for reinstatement etc. He cited the following seven decisions in support of his aforesaid argument.

1. JT 2002(2)SC 238
2. 2994 (Vol. 107) FJR 264 SC
3. 2004 LAB IC 4041 SC
4. 1996 (10) SCC 597
5. AIR 1997 SC 3657
6. 1992(4) SCC 9
7. 1999(iii) LLJ (Supp.) 320 SC

8. Whereas, learned counsel for the first party argued that the first party has been in the services of the management bank in about 5 branches working right from the year 1983 up till 1998 but has been terminated from services now and then and that the management also did not maintain proper records so as to deny the first party service benefits and the right available to him to be continued in service as a permanent worker in violation of the provisions of Section 25-F of the ID Act and Section 2(oo) thereof. His contention was that though the management engaged the services of the first party for a period of more than 240 days in a particular calendar year but failed to maintain proper records and the records produced by the management at Ex. M1 do not depict the correct details of the working days for which the first party was engaged. He also submitted that though the first party was interviewed twice for the purpose of selection to permanent post but was not selected despite his fulfilling the required conditions including the condition of service of 90 days as on 31-10-1984.

9. After having gone through the records, I do not find much substance in the argument advanced for the first party. As could be read from the very service certificates produced by the first party (four in numbers) marked as Ex.W1 series and so also from his statement in cross-examination, he undisputedly worked for a period of 65 days in the year 1983, 79 ½ days in the year 1984 and 74 ½ days in the year 1985 i.e. in total, for a period of 219 days. He worked as a temporary peon for 3 days and 7 days as a Watchman in December 1995, worked for 10 days as a Watchman in January 1996 and then as a casual worker from February 1996 to July 1996 for a period of 100 days. At the first spell at Richmond Road branch i.e. from August 1996 to December 1996 he worked for a period of 89 days and at Sampangiramnagar branch he worked for 91 days from March 1997 to June 1997. Likewise, he worked at the above said Ambedkar Veedhi Branch for a period of 90 days from September 1997 to November 1997 and in the second spell at Richmond Road Branch he worked for a period of 90 days from January 1998 to April 1998. Therefore, as per the very admissions of the first party in his cross examination and the very documents namely the service certificate produced by him obtained from the respective Branch Managers, his period of total working days comes to 219 days during the years 1983 to 1985. He worked for 10 days in the year 1995 and in the year 1996 he worked for a period of 206 days i.e. he worked for 89 days at Richmond Road Branch and worked at Mandya Branch for a period of 117 days and whereas, from January 1988 to April 1988 he worked for a period of 89 days during the year 1997 at the above said Ambedkar Veedhi branch and then worked for 90 days once again at Richmond Road Branch from January 1998 to April 1998. This oral testimony of WW1 and the aforesaid documents produced by him further got support from the above said statement of MW1 in his examination chief and the extract of records showing the payment of wages to the first party marked before this tribunal at Ex.M1 Series. Therefore, the oral and documentary evidence produced by the first party himself as well as by the management would make it crystal clear that at no branch of the management bank and in no particular calendar much less block of 12 calendar months, the first party worked with the management bank branches continuously for a period of 240 days and more. His contention that though he worked for a period of 240 days and more in a particular calendar year under different branches, the management did not maintain proper records so as to deny him service benefits and the rights available under the provisions of ID Act has to be rejected on its face itself as the first party has been very much alert and prompt in getting the above said service certificates obtained from the respective branch managers from time to time and it is not his case that he had protested with the respective branch managers for not showing the correct working days in the certificates issued by them. Had he worked for a period more than the period shown in the respective certificates, then

nothing prevented him to protest about the same with the respective branch managers so as to give the proper and correct details of his working days in those certificates. It is also as noted above, not his case that he had raised such objections with the respective managers nor such case was made out by the first party either in his Claim Statement or in his statement before this tribunal except to say that proper record was not maintained by the management and those records have not been produced before this tribunal to defeat his rights. His contention that though he was interviewed on two occasions i.e. once in 1986 and again in 1991 and has not been selected despite his fulfilling the required qualifications is again without any basis and substance.

10. As could be read from the records, since the first party had put in total working days of more than 90 days as on 31-10-1984 he had been afforded an opportunity of participating in the interview proceedings to be considered for the permanent post of sub-staff. The management's contention is that since he did not fulfil the required conditions, he was not selected for the said post. Moreover, under the present facts and circumstances of the case we are not concerned here as to whether the management was not justified in not considering the case of first party for permanent post in pursuance to the interviews held by it. We are now concerned as to whether the first party to get the relief of reinstatement, back wages etc. has fulfilled the requirements of continuous service of 240 days and more in a particular calendar year under the management. As noted above, in none of the calendar year and in none of the management branch he worked for a period of 240 days and more continuously and therefore, it cannot be said that there was any violation of the provisions of I.D. Act much less Section 2 (oo) and 25B read with section 25F of the I.D. Act. In the result it cannot be said that the management was not justified in terminating the services of the first party. However, keeping in view of the fact that the first party has been associated with the management bank for the last 14 years working on casual basis, temporarily, whenever he was provided with the work by the aforesaid branches, it appears to me that it will be in the interest of justice to call upon the management to provide work to the first party on casual basis whenever the work is available with the branches. Hence the following award :—

AWARD

The reference stands dismissed. The management is directed to consider the case of the first party on humanitarian ground by providing him the work of temporary peon on casual basis as and when the branches under it are in need of such a work in the same way as was being done in the past. No costs.

(Dictated to PA transcribed by her corrected and signed by me on 7th June, 2006)

A. R. SIDDIQUI, Presiding Officer

नई दिल्ली, 27 जून, 2006

का.आ. 2835.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बंगलौर के पंचाट (संदर्भ संख्या 30/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-6-2006 को प्राप्त हुआ था।

[सं. एल-12012/312/2002-आई आर(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 27th June, 2006

S.O. 2835.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (30/2003) of the Central Government Industrial/Tribunal/Labour Court, Bangalore now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 27-6-2006.

[No. L-12012/312/2002-IR (B.I)]

AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
BANGALORE**

Dated 9th June, 2006

PRESENT

Shri A.R. SIDDIQUI
Presiding Officer

C.R. No. 30/2003

I PARTY

Shri Kartikaya Swamy,
C/o Shri Jagadeesh Sangavi,
Station Road,
Jaffargons,
Chittapur,
Gulbarga
Karnataka State

II PARTY

The Chief General
Manager,
State Bank of India,
St. Marks Road,
Bangalore-560001
Karnataka State.

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute *vide* Order No. L-12012/312/2002-[IR(B-I)] dated 31st March, 2003 for adjudication on the following schedule :

SCHEDULE

Whether the action of the management of State Bank

of India is justified in terminating the services of Shri Karthikaya Swamy, Daily Wager, with effect from November 2000? If not, what relief he is entitled to?"

2. The case of the first party workman, as made in the Claim Statement, to be precise and concise is that having studied and passed 9th Standard and coming from poor family of Chittapur district, he joined the services of the management bank w.e.f. 2-9-1988, initially working at Mudbi branch as a messenger up till 10-3-1989 and thereafter, he rendered the services at different branches of the management as per the details given by him at Para 5 of the Claim Statement running as under :—

That the service rendered by him indifferent branches of the Second Party management are produced in the form of the statement below :

Branch Name	From	To	Total Days
Mudhbi, Basavakalyan Taluk, Bidar	2-9-1988	10-3-1989	49
Station Bazaar, Gulbarga	29-8-1992	April 1993	204
Lead Bank, Gulbarga	20-4-1993	23-4-1993	4
Jevergi Colony, Gulbarga	April 1993	June 1993	45
Main Branch Gulbarga	July 1993	Dec. 1993	162
Gulbarga Main Branch	Feb. 1994	Dec. 1994	158
Gulbarga Main Branch	Jan. 1995	Dec. 1995	117
Gulbarga Main Branch	Jan. 1996	Dec. 1996	150
Gulbarga Main Branch	Jan. 1997	Dec. 1997	174
Gulbarga Main Branch	6-5-1997	28-5-1997	23
Gulbarga Main Branch	Jan. 1997	Dec. 1997	139
SIT Tumkur	26-3-1999	27-4-1999	29
Bangalore Rajajinagar 5th Block	June 1999	Jan. 2000	195
Bangalore Rajajinagar 5th Block	May 2000	Aug. 2000	103
Electronics City, Bangalore	Aug. 2000	18-11-2000	83

3. He contended that as seen above, the management utilized his services of 83 days in the above said Electronic City branch from August 2002 to 18th November 2002 and thereafter thrown him out of the job without any reason and did not reinstate him in service despite his several requests. Therefore, the first party contended that since he worked with the management in different branches continuously from 02-01-1988 till he was denied work in the month of November 2000, the action of the management amounts to illegal retrenchment and in violation of the provisions of Section 2(o) read with Section 25F of the ID Act. He also contended that provisions of section 25H, G & N of the ID Act have also been contravened by the management in refusing work to him and therefore, he is entitled for relief of reinstatement, back wages and other consequential benefits.

4. The management by its Counter Statement among other things contended that as per the law laid down by the Apex Court reported in AIR 1976 SC Page 1111, it is only such of those temporary workers who had completed continuous service of 240 days and more in a preceding calendar months as provided under Section 25B of the ID Act and have been discontinued from service without notice and payment of retrenchment compensation, are entitled for reinstatement. The management contended that as per the very admission of the first party workman he has worked on temporary basis from 02-01-1988 to November 2000 and therefore, he is not entitled to be considered as a candidate for absorption or the relief of reinstatement, there being no violation of the provisions of Section 25F of the ID Act in as much as refusal of work to the first party did not amount to retrenchment as defined under Section 2(o) of the ID Act, he being a temporary employee working under the management being provided job of casual worker subject to availability of the work with the bank. Therefore, in the light of the above, the point to be considered would be whether the first party worked with any of the branch of the management bank continuously for a period of 240 days and more in a particular calendar year or during the period of 12 calendar months immediately preceding his termination from service so as to attract the provisions of Section 25B and 2(o) read with section 25F of the ID Act.

5. During the course of trial, the management filed affidavit evidence of one Mr. Vadi Raj P. Bhatt said to have been working as Dy. Manager (Personnel & HRD), Zonal Office, State Bank of India, Bangalore and in his further examination chief got marked 3 documents namely the Bi-partite Settlement entered into between the management and the union representatives, statement showing the particulars of the working days of the first party in different branches and the details of his working days at Ex. M1 to M6, respectively. On his part, the first also filed his affidavit evidence and got marked one document at Ex. W1 appointing him as a temporary Sweeper in the cross examination of WW1 and in his further examination chief got marked

the various Service Certificates at Ex. W2 to W16 issued by different branches of the management disclosing the number of working days, he was engaged in those branches. Both MW1 & WW1 have filed their affidavits just reiterating the respective cases made out by them in their pleadings and therefore, averments in the affidavits may not be repeated. I would like to come to the statements of MW1 & WW1 in their cross examination and the documentary evidence produced as and when it is found relevant and necessary.

6. Learned Counsel for the management, vehemently, argued that as per the very particulars of the working days shown by the first party in his claim statement at Para 5 and the aforesaid documents namely certificates issued by the branches in his favour from Ex. W2 to W16 and documents at Ex. M3 to M6, it gets abundantly clear that the first party in no calendar year and with no particular branch worked continuously for a period of 240 days and more and therefore, he cannot seek relief of reinstatement and other reliefs on the grounds that he fulfilled the requirements of Section 25B of the ID Act and that there was violation of Section 25F of the ID Act read with Section 2(o) thereof by the management.

7. Whereas, learned counsel for the first party with equal vehemence argued that the certificates of service at Ex. W 2, 3, 4, 5 & 6 issued by the respective branch managers, genuineness of which is not disputed by the management and on the other hand supported by their own documents marked before this tribunal at Ex. M3 to M6 would make it abundantly clear that the first party worked in various branches of the management continuously for a period of 240 days and more and thereby be fulfilled the requirement of section 25B of the ID Act particularly in the year 1993 and since he has been removed from service without the compliance of mandatory provisions of Section 25F of the ID Act, the action of the management amounts to illegal retrenchment as defined under section 2(o) of the ID Act and therefore, he is entitled for reinstatement and back wages and other reliefs. He submitted that it is not necessary for the first party to have substantiated that he worked continuously for 240 days and more in 12 calendar months immediately preceding the date of his retrenchment as it is not the condition precedent to require to be fulfilled as per Section 25B of the ID Act. On this point learned counsel relied upon the following four decisions :

1. 1985(4) SCC 201
2. 1983(1) LLJ Page 30
3. 1985(4) SCC Page 71
4. 2002(3) LLJ Page 885

8. After having gone through the records and the principle laid down in the aforesaid ruling so also the plain reading of the Section 25B of the ID Act, I find substance in the arguments advanced for the first party. In the instant case it is not in dispute rather has been proved in the very

documents produced by the management at Ex.M 2 to M6 that the first party has been working with the various branches of the management bank right from the year 1988 till the month of April 2000. The only relevant question to be considered would be whether the first party worked for a period of 240 days and more in 12 calendar months fulfilling the requirements of Section 25B of the ID Act so as to attract the provisions of Section 2(oo) read with Section 25F of the ID Act. In this case one need not go into the oral testimony of MW1 & WW1 in the face of the documentary evidence produced by the parties with regard to the working days of the first party in each of five branches of the management bank. From the perusal of the documents namely the letters at Ex.M2 to M6 and the service certificates produced by the first party at Ex.W2 to W16 it is not disputed and cannot be disputed that the party has not worked for 240 days and more in the year 1988, 89, 91, 92, 94, 95, 96, 97, 98, 99 & 2000. However, the above referred service certificates at Ex.W2 would reveal that the first party worked with Station Bazar Branch, Gulbarga for a period of 80 days during the months of January 1993 to April 1993. Ex.W3 would reveal that he worked for 41 days during the months of May and June 1993 and Jewargi Colony Branch, Gulbarga. Certificate at Ex.W6 reveals that the first party worked at main branch of Super Market at Gulbarga for a period of 162 days during the months of July, August, September, October, November & December 1993. As noted above, these are the certificates issued by the respective branch managers and the last certificate at Ex.W6 infact has been issued by the Chief Manager of State Bank of India. Therefore, they are not disputed and cannot be disputed by the management. That apart, as noted above, the management also produced the letters at Ex. M6 to M6. The letter at Ex. M3 is again issued by the Chief Manager of State Bank of India noting down number of working days as 162 days from the months of July to December 1993. The letter at Ex.M5 would read to the effect that the first party worked for 31 days in the month of January 1993, 28 days in the month of February and 16 days in the month of March 1993. The letter at Ex.M6 is to disclose that the first party worked for a period of 45 days during the months of April 1993 to June 1993. Therefore, from these undisputed documents produced by the first party at Ex.W2 to W16 and the very documents produced by the management referred to supra it has been very much established that the first party worked in various branches of the management bank continuously for a period of 280 days and more. As noted above, there is no dispute here that the first party has worked less than 240 days in a particular calendar year for the rest of the years between 1988 to 2000. As far as the working days of the first party during 12 calendar months before he was refused work in the month of April 2000. It can be seen from the documents at Ex.W13, 14, 15 & 16 that in the year 1999 for the months of June to December 1999 the first

party worked for a total period of 191 days and during the year 2000 he worked for total period of 210 days in between the months of January 2000 and November 2000, the month in which he was refused work by the management. If we calculate the working days backward from the date of retrenchment i.e. 18th November 2000 backward up till October 1999, certainly the first party has not worked continuously for a period of 240 days or more during the aforesaid 12 calendar months. In this context I must also appreciate the arguments advanced by the first party that the management purposely in order to deny him the benefits and the right available to him under the provisions of ID Act did not engage him for a period of 240 days and more during the aforesaid 12 calendar months and had given an artificial break in the service of the first party during the months of November, March and April 2000. Even otherwise as noted above, the provisions of Section 25B do not mandate that continuous service of one year must necessarily be during the 12 calendar months immediately preceding the date on which the workman was refused work. The principle laid down by their lordship of our Hon'ble High Court in a decision reported in 1983 1 LLJ page 30 after having taken into consideration the principle laid down by their Lordship of Supreme Court in Mohanlal V/s. Bharat Electronics Ltd. reported in 1981 11 LLJ page 70(III) have made the position of law on this point very clear ruling that it is not necessary for an employee to have worked for 240 days and more in the year immediately preceding the date of discharge so as to get the benefits of Section 25F of the ID Act. Same principle of law have been laid down in the other three decisions cited on behalf of the first party referred to supra. Therefore, since undisputedly, the first party has worked with the various branches of the management for a period of 240 days and more during the 12 calendar months of the year 1993, there cannot be any hesitation for this tribunal to come to the conclusion that he fulfilled the requirements of Section 25B of the ID Act. If we proceed on the assumption that the first party worked for a period of 240 days and more continuously during the aforesaid then it goes without saying that refusal or denial of work to him by the management without the compliance of Section 25F of the ID Act was in violation of the provisions under Section 2(oo) of the ID Act. It was a clear case of the retrenchment and illegal termination and therefore, the action of the management was not justified in terminating the services of the first party and therefore, the first party of the reference to this effect is to be answered in favour of the first party.

9. Now coming to the question of relief of reinstatement, back wages, continuity of service and other benefits, it is not disputed and cannot be disputed that the first party has been working with the management branches intermittently as temporary Messenger-cum-sweeper. He has been in the service of the management by his own admission subsequent to the year 1988. The contention of the management that the first party joined its services w.e.f.

2-9-1988 has not been disputed on behalf of the first party. Therefore, when the first party admittedly was not in the service of the management in between 1-7-1975 to 31-7-1988 he cannot stake the claim of permanent absorption in the post of Messenger or Peon for that matter as a sub staff in the light of the various settlements taken place between the management and All India State Bank Staff Federation as indicated at Para 21 of the Counter Statement filed by the management and not disputed by the first party. Therefore, keeping in view the fact that the first party was being provided with the work in the aforesaid branches subject to availability of the work purely on temporary basis, it will not be advisable to burden the management with the reinstatement of the first party once again to be engaged from time to time on temporary basis, or to be terminated from services in compliance of Section 25F of the ID Act. For the very same reason he was working with the management branches as a casual worker on temporary basis subject to availability of the work, in my opinion, he does not deserve back wages from the date of his retrenchment till the date of passing of this award. Therefore, taking all these factors into consideration, the only proper order to be passed in favour of the first party and against the management would be to pay him a lump sum amount of Rs. 60,000 by way of compensation towards his full and final settlement of claim against the management. Since the first party has been associated with the management branches for a period of about 12 years it appears to me in the interest of justice to call upon the management to take the services of the first party in the manner in which he was being engaged earlier to his termination. Hence the following award :

AWARD

The management is directed to pay a sum of Rs. 60,000 to the first party by way of compensation towards his full and final settlement of the claim against it. The Management is asked to consider the case of the first party and provide him the very same temporary work which was being given to him earlier to his termination from service, of course, subject to the availability of the work in the management bank branches. No costs.

(Dictated to PA transcribed by her corrected and signed by me on 9th June, 2006)

A. R. SIDDIQUI, Presiding Officer

नई दिल्ली, 27 जून, 2006

का.आ. 2836.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सेन्ट्रल रेलवे के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक, अधिकरण

जबलपुर के पंचाट (संदर्भ संख्या 64/95) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-6-2006 को प्राप्त हुआ था।

[सं. एल-41012/88/94-आई आर(बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 27th June, 2006

S.O. 2836.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 64/95) of the Central Government Industrial Tribunal/Labour Court, Jabalpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Railway and their workman, which was received by the Central Government on 27-6-2006.

[No. L-41012/88/94-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/64/95

Presiding Officer : Shri C. M. Singh

Shri Purushottam Ahirwar,

S/o Shri Shankar Lal Ahirwar,

C/o Shri Shankarlal, Chief T. N. C,

Railway Quarter No. R.B./2/34-A,

Railway Colony, Damoh (M. P.)

... Workman

Versus

The Divisional Railway Manager,

Central Railway, Jabalpur.

... Management

AWARD

Passed on this 12th day of June, 2006

1. The Government of India, Ministry of Labour vide its Notification No. L-41012/88/94-IR(B-I) dated 20-4-95 has referred the following dispute for adjudication by this Tribunal:—

“क्या प्रबंधन मध्य रेलवे, जबलपुर (म. प्र.) के प्रबंधकों द्वारा श्री पुरुषोत्तमलाल अहिरवार, भूतपूर्व, श्रमिक की सेवाएँ दिनांक 19-11-89 से समाप्त किये जाने एवं उसे नियमित श्रमिक न किये जाने की कार्यवाही न्यायोचित है, यदि नहीं तो संबंधित श्रमिक किस अनुतोष का हकदार है?”

2. Workman Purushottam Lal Ahirwar was employed under the control of Signal Inspector, Central Railway, Damoh as casual mazdoor and he worked under him from 23-4-79 to 18-4-82 and 1-4-87 to 18-11-89. His

services were terminated w.e.f. 19-11-89 without notice and without being given any opportunity of being heard. His termination from the service amount to retrenchment within the meaning of Sec-25 (B) of the I.D. Act, 1947 and no retrenchment compensation was paid to him, therefore his termination is void-ab-initio. Junior to him in service have been retained by the management. This is clear cut violation of the principle "Last come First Go". The workman filed a petition before the Central Administrative Tribunal, Jabalpur which is registered as O. A. 179 of 1992 and the Honourable Court dismissed the petition on the ground of delay. The Honourable Court did not consider the case on merit. Since the provisions of the Limitation Act are not applicable to the I. D. Act, 1947 and the case of the workman was not dismissed on merit, therefore the workman has still right to approach this Honourable Tribunal under the I.D. Act, 1947. It is prayed by the workman that the tribunal be pleased to hold that the action of the management of terminating his service is illegal and not justified and the management be directed to reinstate the workman in service with all consequential benefits.

3. The management contested the case and filed their WS. Their case in brief is as follows. It has been pleaded by the management that the case is not maintainable as it is not against the employer. That the employer in the instant matter is not the Divisional Railway Manager. That the management is not industry under I.D. Act, 1947 and the Industrial Disputes Act, 1947 is not applicable, therefore the claim is liable to be rejected. The workman having availed the remedy before the CAT in O.A. 179 of 1992, wherein, he agitated his discontinuation from service and the matter was duly adjudicated by the Honourable CAT, Jabalpur. That the Honourable Court dismissed the same on 23-7-1993 and thus the workman having availed the remedy of the forum of the Central Administrative Tribunal cannot re-agitate the same. The workman by virtue of the employment card, wherein it was shown that he has worked under Inspector of Works (Maintenance) Jabalpur for various period from 23-4-79 to 18-7-82, obtained the temporary work of installation of Electro Photo Signals from Gatera to Baghora. That the management disputes the authenticity and bonafide of the employment card on the basis of which the workman obtained the temporary work under the Chief Signal Inspector, Damoh. Actually the work of installation of Electro Photo Signals comprised of the installation of 72 signals on 18 Railways Stations. That the work was of purely temporary nature and came to end within 3 months. The workman was therefore temporarily engaged as casual labour and on completion of the said work of installation, the services of the workman were no required. It has been denied by the management that the workman continuously worked from 23-4-79 to 18-4-82 and 1-4-87 to 18-11-89. It has been denied by the management that there was any termination and submitted that the workman was not in service of the management,

therefore, the question of his termination from service does not arise. It has been specifically pleaded that a few days of working does not entitle the workman for a continuity and reengagement in service. It has been further denied by the management that the workman is entitled to any relief under Sec-25-F of the I.D. Act, 1947 or for any retrenchment compensation. The workman has failed to name any junior who is similarly placed and retained in service. For the reasons stated above, the workman is not entitled to any relief whatsoever.

4. The workman examined himself in support of his case. The management in order to defend the reference filed affidavits of Shri Motilal Sharma, an employee of the management and Shri S.G. Digvelkar, an employee of the management.

5. It is worthwhile to mention here that the management failed to produce their witness Shri Motilal Sharma for cross-examination and therefore the affidavit filed by him cannot be read in evidence. Another witness of the management Shri S. G. Digvelkar was cross-examined on behalf of the workman therefore his entire evidence is perfectly legal and may be considered for deciding the case on merit.

6. The parties have failed certain Photostat copies of documents on record. It is worthwhile to mention here that the Photostat copies of the documents filed by the parties have neither been admitted nor denied by the other party. Those copies have not been proved in accordance with law of evidence and therefore those copies cannot be read in evidence.

7. I have heard Shri R. C. Srivastava, Advocate the learned counsel for the workman and Shri M.D. Pandey, Advocate the learned counsel for the management. I have very carefully gone through the entire evidence on record.

8. In their Written Statement, the management has taken preliminary objection that the Divisional Railway Manager, Central Railway, Jabalpur was not the employer of the workman and therefore the reference is not maintainable for this preliminary objection. But during the course of argument, the learned counsel for the management did not put forward a word regarding this preliminary objection. Not only this, no oral or documentary evidence has been adduced by the management on this preliminary objection. Therefore, the aforesaid preliminary objection has no legs to stand and consequently the same is rejected.

9. The management has also taken the plea in their written statement that the department in which the workman was allegedly employed is not an industry under the Industrial Disputes Act, 1947 and therefore the said Act is not applicable and consequently the reference is liable to be rejected. On this point too, the learned counsel for the management did not make any submission during the

course of argument. No evidence has been led on behalf of the management on this point. It is very well settled that the Indian Railways comes under the definition of "Industry" as defined in Sec-2 (j) of I.D. Act 1947. It is therefore, held that the reference is maintainable before this tribunal.

10. It has been pleaded by the management that the workman having availed the remedy before the Central Administrative Tribunal in O.A. 179 of 1992, wherein he agitated his discontinuation from service and the matter was duly adjudicated by the Hon'ble Central Administrative Tribunal, Jabalpur. Central Administrative Tribunal dismissed the case of the workman *vide* order dated 23-7-93 and the workman having availed the remedy from the above forum cannot reagitate the same. The workman in his rejoinder averred that the Central Administrative Tribunal has dismissed his case on the point of limitation and not on merits and therefore this tribunal has jurisdiction to entertain the reference. The learned counsel for the workman submitted that the Central Administrative Tribunal, Jabalpur had dismissed the application filed by the workman on the ground of limitation. He further added that the dismissal of application by the aforesaid forum on the point of limitation does not debar the workman in raising the industrial dispute regarding his termination before this tribunal. A certified true copy of order dated 23-7-93 passed by Central Administrative Tribunal, Jabalpur bench, Jabalpur in O.A. 179/1992/3396 Purushottam Lal Ahirwar *versus* Union of India and another is on record of this reference which clearly indicates that the petition of the workman was dismissed by the Central Administrative Tribunal, Jabalpur being barred by time. It is a settled principle of law that the provisions of Indian Limitation Act do not apply to the industrial disputes raised under the provisions of the Industrial Disputes Act, 1947. I am, therefore, of the considered opinion that the reference is maintainable in this tribunal.

11. It has been submitted by the learned counsel for the workman that the workman has examined himself and submitted that he worked continuously for more than 240 days prior to his date of termination and the management has not produced attendance register and in the absence of filing the said register, inference is to be drawn that the case of the workman is true that he worked continuously for more than 240 days prior to the date of his termination. Against the above, the learned counsel for the management submitted that the work for which the workman was engaged was of purely temporary nature and came to an end within 3 months and the averments made by the workman that he continuously worked from 23-4-97 to 18-4-82 and 1-4-87 to 18-11-89 is specifically denied. It has been further submitted by the learned counsel for the management that merely because the workman has

worked for some days, it does not mean that he is entitled to reinstatement. Workman Purushottam Lal Ahirwar, no doubt, stated in the evidence of his examination-in-chief that he worked in Central Railway, Jabalpur since the year 1979 to 1982. That he worked at Damoh w.e.f. 1-4-87 to 18-11-1989 but on being cross-examined, the witnesses stated that he did not produce any record for showing his working days. He further stated that he did not work in the Railway continuously. He clearly stated that he worked with the Railway intermittently in several parts. The workman has not given any documentary evidence for proving that he worked with the Railways continuously for 240 days in any calendar year. The submission of the learned counsel for the workman that the management has not produced the attendance register and in the absence of filing the said register inference is to be drawn that the case of the workman is true that he worked continuously for more than 240 days prior to the date of his termination, has no substance. The averment that the workman worked continuously for more than 240 days has been made by the workman. And it becomes the duty of the workman to prove the said averment by documentary as well as oral evidence. I have gone through the record. The workman never requested the tribunal to direct the management to produce attendance register so that his working days may be counted. Thus there was no order or direction to the management to produce attendance register of the workman. The onus of disproving that the workman did not work continuously for 240 days or more in any calendar year does not rest on the shoulders of the management. Under the above circumstances no adverse inference can be drawn against the management and in favour of the workman. Shri S. G. Devalkar, the management's witness deposed in his affidavit that the workman never continuously worked and has only worked in broken period from 1-4-87 to 18-5-87, 21-4-89 to 18-7-89, 19-9-89 to 18-11-89. It has been admitted by the workman in his evidence of cross-examination that he never continuously worked with the management and always worked in broken periods. It is therefore not proved that the workman worked with the management in any year continuously for 240 days. Under the above facts and circumstances of the case, the w.e.f. 19-11-89 does not suffer from any illegality or irregularity.

12. It is concluded from the above that the act of management of Central Railway, Jabalpur (MP) in terminating the services of the workman w.e.f. 19-11-89 and not regularising him is just and legal and the workman is not entitled to any relief. Considering the facts and circumstances of the case, I am of the opinion that the parties should bear their own cost of this reference. The reference is therefore decided in favour of the management and against the workman as follows with the direction that the parties to the reference shall bear their own costs of this reference.

“प्रबंधतंत्र मध्य रेलवे, जबलपुर (म. प्र.) के प्रबंधकों द्वारा श्री पुरुषोत्तमलाल अहिरवार, भू पूर्व, श्रमिक की सेवायें दिनांक 19-11-89 से समाप्त किये जाने एवं उसे नियमित श्रमिक न किये जाने की कार्यवाही न्यायोचित है। फलतः श्रमिक किसी अनुतोष का हकदार नहीं है।”

13. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 27 जून, 2006

क्र.आ. 2837.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सिंडीकेट बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-2 मुम्बई के पंचाट (संदर्भ संख्या 21/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-6-2006 को प्राप्त हुआ था।

[सं. एल-12012/151/2000-आई आई (बी-II)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 27th June, 2006

S.O. 2837. —In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. 21/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Mumbai No. 2 as shown in the Annexure in the Industrial Dispute between the management of Syndicate Bank and their workmen, which was received by the Central Government on 27-6-2006.

[No. L-12012/151/2000-IR (B.II)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II MUMBAI

PRESENT:

A. A. Lad, Presiding Officer

REFERENCE: CGIT-2/21 OF 2001

EMPLOYERS IN RELATION TO THE MANAGEMENT OF SYNDICATE BANK

The Deputy General Manager,
Syndicate Bank,
SB, Zonal Office,
Mayker Towers, 'E' Cuffe Parade,
Colaba, Plot No. 85,
Mumbai 400021

AND

THEIR WORKMEN

Kashinath K. Ovhal,
C/o. S.A. Borkar, RBI Officers Quarters,
A/23, Dhanastara, 122, N.P. Marg,
Colaba, Mumbai 400 005

APPEARANCE:

For the employers : Mr. R. N. Shah,
Advocate

For the workman : Mr. Vasant J. Amberkar,
Advocate.

Date of reserving Award : 12th May, 2006

Date of passing of Award : 22nd May, 2006

AWARD- PART I

The matrix of the facts as culled out from the proceeding are as under:

1. The Government of India, Ministry of Labour, by its Order No. L-12012/151/2000/IR (B-II) dated 6th February, 2001 in exercise of powers conferred by Clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947, have referred the following Industrial Dispute to this Tribunal for adjudication:

“Whether the action of the management of Syndicate Bank, Mumbai by dismissing Shri Kashinath K. Ovhal from the services of the Bank is justified and proper? If not, then what relief the workman is entitled to?”

2. The Second Party Workman raises the dispute regarding his dismissal of 1989, first raising it before Competent Authority who sent it to this Tribunal for adjudication, by its letter dated 6th February, 2001, contending that, the charges leveled against him were vague and not to the point. Enquiry was not conducted properly. Charges were not proved against him. Opportunity was not given to him to participate in the enquiry. Haste was made by the Enquiry Officer. Enquiry Officer was bias and determined to convict the Second Party Workman. There was no evidence of any type before the Enquiry Officer of the concerned witnesses like M/s. Shakti Enterprises or Gaikwad. The allegations leveled against 2nd Party Workman were of vague nature since these were not proved and since there was no enquiry as expected 1st Party cannot take such a drastic action of dismissal against Second Party Workman on this type of Inquiry and its finding. So it is prayed that dismissal issued against Second Party be set aside with directions to 1st Party to reinstate him with benefits of back wages and continuity of service.

3. This claim of the 2nd Party is disputed by the 1st Party by filing exhaustive reply at Exhibit 10 containing 16 pages, initially denying the case of the 2nd Party, then giving explanation and again answering each point para wise of the 2nd Party taken in the Statement of Claim, as well as point wise and made out the case that, charges leveled against 2nd Party were true and correct. Those were proved against him. Enquiry was conducted by following principles

of natural justice. Full opportunity was given to the 2nd Party Workman. 2nd Party participated in the enquiry; Cross examined the witnesses of the 1st Party. There was sufficient evidence against 2nd Party Workman before Inquiry Officer to answer those charges leveled against him and convict him. It is denied that, there was no evidence before the Enquiry Officer who gave finding against the 2nd Party. So it is submitted that, enquiry conducted be observed as just and proper and finding not perverse. It is submitted that, punishment given to 2nd Party is just and does not require any interference.

4. In view of the above pleadings my Ld. Predecessor framed Issues at Exhibit 12. Out of those, Issue No. 1 and 2 which are on the point of enquiry and perversity of the finding are taken as preliminary Issues which I answer as follows :

Issue	Findings
1. Whether the domestic inquiry conducted against the workman is as per the Principles of Natural Justice?	Yes
2. Whether the findings of the Inquiry Officer are perverse?	No

REASONS

Issue Nos. 1 and 2

5. To prove that enquiry was fair and proper, actually no evidence was led by 1st Party and by filing closing purshis at Exhibit 21 as, 1st Party chose not to lead any evidence and wanted to place reliance on the enquiry proceedings placed on record with Exhibit 15. To prove that the enquiry was not fair and proper 2nd Party placed reliance on his own evidence placed on record in the form of affidavit, filed at Exhibit 17. In the said affidavit it is stated that, no opportunity was given. He was unable to lead any evidence due to his cataract operation which he was to undergo during the relevant period. He was compelled to sign the documents. He actually did not participate in the enquiry. No documents were placed on record. There was no evidence of M/s. Shakti Enterprises and C. L. Gaikwad in which connection charges were leveled against him. However, in the cross examination taken by 1st Party's Advocate in this reference we find that, this witness answered the question like this :

"15: It is correct that I received charge sheet dated 18-1-88. It is correct after reading the charges I had given reply pg. 52/Exhibit-15. It is correct I have mentioned in the said reply that the charges are vague, baseless and false. It is correct letter now shown to me pg. 28/4 (Ex-15) bears my signature of which contents are correct. It is correct I had participated in the domestic inquiry. It is correct inquiry proceedings pg. 1-18/Ex-15 now shown to me bear my signatures. It is correct on the first day of

hearing inquiry officer had explained me the nature of inquiry and that I was given opportunity to bring DR. It is correct I had told the inquiry officer that I would personally defend the charges. It is correct I did not examine, myself in the inquiry.

16. It is correct I had never requested the inquiry officer to allow me to examine owner of Shakti Enterprises and Mr. Kharadkar. It is correct inquiry was not conducted during the period my eyes were operated. It is correct inquiry officers report is based on the documents and evidence led before him. It is correct I was given full opportunity."

6. If we peruse this cross-examination of Second Party Workman we find that, it reveals he received charge sheet, in January, 1988 itself. Even he gave reply to it. He admits that, in the reply he did not claim that, charges were vague and baseless. He also admits that, he participated in the inquiry and admits his signatures from pages 1 to 18 of Exhibit 15. He admits that, on the first day of the enquiry proceedings were explained to him by the Enquiry Officer. He also admits that he intimated Enquiry Officer that he will defend himself in person. He admits that, opportunity was given to him to cross examine the witnesses. He also states that, he did not examine himself to defend his case. He admits that, full opportunity was given to him in the enquiry. He also admits that, documents were considered by the Enquiry Officer before giving finding.

7. So, if we peruse these admissions of the 2nd Party which are before this Tribunal, in this reference, question arises what more required to conclude that, opportunity was given to 2nd Party Workman and he enjoyed it? The admissions given by the 2nd Party which are reproduced as above from his depositions (Exhibit 17) clearly reveals that, he participated in the enquiry. He cross examined the witnesses. Documents were placed on record by the 1st Party in enquiry on the basis of which, Enquiry Officer concluded and what not?

8. The grievances of the Second Party is that witness like M/s. Shakti Enterprises and Mr. Gaikwad were not examined before the Enquiry Officer. After all examining witnesses is the choice of the concerned party. If at all there was no substance in the charge connected with M/s. Shakti Enterprises and Mr. Gaikwad then 2nd Party Workman was having full opportunity to examine both witnesses on his behalf and disprove the case of the 1st Party. Here it is worth to note that 2nd Party himself did not step into witness box the enquiry and not requested the management or Enquiry Officer to summons M/s. Shakti Enterprises or Mr. Gaikwad. If we consider that 2nd Party was well educated, well versed with the English and work in the Bank then how now it fits in his mouth to say that, enquiry was not fair and proper?

9. The charges leveled against 2nd Party Workman were the charges of misconduct. In fact those charges are based on the documents filed by the 1st Party in connection with 2nd Party Workman. Those are in the file and on enquiry proceedings also. It is pertinent to note that, nothing is stated by the 2nd Party about those documents and charges leveled against him and regarding those transactions. Charge of misguiding Mr. Chanderkant Gaikwad and representing falsely before First Party to raise loan on the guise of renovation of house with false quotations from M/s. Shakti Enterprises are concerned are of very serious nature. Those are connected with Bank transactions and activities. Even 2nd Party has not stated anything regarding those charges but simply make hue and cry stating that, since he was undergoing cataract operation and was unable to see and the enquiry is not fair and proper and hue and cry is made by the 2nd Party Workman regarding conduct of the enquiry and conclusion of it on the very day i.e. 23-12-1988. We find that on 22-12-1988 enquiry was adjourned to 12-1-1989. The record and proceedings reveal that 2nd Party Workman reported before the Enquiry Officer at 2.45 p.m. on 22-12-1988 itself and expressed apology about his absence in the morning session and shown willingness to proceed with the enquiry. Though, enquiry was adjourned to 12-1-1989, the enquiry was initiated with the consent of 2nd Party on 22-12-88 and the witness R.P. Mallayas appears to have been examined by the 1st Party. Evidence of Mr. Mallayas is recorded in 7 hand written pages and it is signed by the 2nd Party Workman also. Then on the very next day cross was taken by the 2nd Party of said Mr. Mallayas and it is signed by 2nd Party Workman. Then record and proceedings reveal that on 23-12-1998 the enquiry was concluded with the consent of the 2nd Party and then finding was given. So from this it cannot be said that, enquiry was not conducted fairly and properly. Besides it cannot be said that there is no evidence before the Enquiry Officer to conclude that, finding was perverse as claimed by the 2nd Party. On the contrary record and proceeding reveal that enquiry was conducted fairly and properly. It reveals that, Enquiry Officer was having documents and evidence to give finding and said finding is not perverse as claimed by the 2nd Party Workman. In the finding Enquiry Officer concluded that 2nd Party was guilty of the charges leveled against him. Enquiry Officer considered charges leveled against the 2nd Party Workman. Those were connected with the business of the 1st Party which indulge in Banking activities. So definitely all this reveals that, there was an enquiry which was fair and proper. No other substance is shown by the 2nd Party Workman to observe that, enquiry was not fair and proper. Besides, documents placed on record by the 1st Party were considered by the Enquiry Officer and Enquiry Officer concluded relying on the evidence placed in the enquiry.

10. In view of the discussion made hereinabove I observe that, the enquiry was fair and proper and findings

were not perverse. Accordingly I answer these issues to that effect and pass the following order :

ORDER

- (a) Enquiry was fair and proper;
- (b) Finding not perverse;
- (c) Both the parties are directed to appear on 17-7-2006 for adjudication of Issue Nos. and 4.

Mumbai

22nd May, 2006

A. A. LAD, Presiding Officer

नई दिल्ली, 27 जून, 2006

का.आ. 2838.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इलाहाबाद बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, लखनऊ के पंचाट (संदर्भ संख्या 7/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-6-2006 को प्राप्त हुआ था।

[सं. एल-12011/153/2005-आईआर (बी-II)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 27th June, 2006

S.O. 2838.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (No. 7/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow as shown in the Annexure in the Industrial Dispute between the management of Allahabad Bank and their workman, received by the Central Government on 27-06-2006.

[No. L-12011/153/2005-IR (B-II)]

AJAY KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

Present :

Shrikant Shukla : Presiding Officer

I.D. No. 7/2006

Ref. No. L-12011/153/2005-IR(B-II)

Dt. 23-02-2006

Between :

The Secretary,
Allahabad Bank Staff Association,
C/o Allahabad Bank,
Main Branch,
Hazratganj,
Lucknow-226002

And

The Asstt. General Manager,
Allahabad Bank,
Regional Office,
New Building, 1st Floor,
Hazratganj,
Lucknow-226001

AWARD

The Government of India, Ministry of Labour, New Delhi referred the following dispute No. L-12011/153/2005-IR (B-II) dated 23-02-2006 for adjudication to Presiding Officer, CGIT-cum-Labour Court, Lucknow;

“Whether the action of the Management of Allahabad Bank, Lucknow in not giving full wages to Smt. Geeta, Safai Karmchari w.e.f. 7-3-2001 is legal and justified? if not to what relief the concerned workman is entitled?”

The case has been taken in the Lok Adalat today after the regular working hours, Sri T.B. Singh representative of the Secretary, Allahabad Bank Staff Association, Hazratganj Lucknow and Sri J.K. Ambwani, Sr. Manager (Personal) of the Allahabad Bank accompanied by his Legal Advisor Sri M.K. Verma appeared. They stated that they have resolved the dispute amicably through the negotiations held in the Lok Adalat and accordingly the management has accorded full wages to the worker Smt. Geeta, Safai Karmchari and there remains no dispute. The statement of Sri J.K. Ambwani and Sri T.B. Singh has been recorded which is paper No. A-7. Since the dispute resolved amicably in the Lok Adalat and the full wages have been accorded to Smt. Geeta Safai Karmchari therefore the reference stands disposed off. The statement of the representatives of the parties paper No. A-7 shall be part of the award. Award passed accordingly.

Lucknow : SHRIKANT SHUKLA, Presiding Officer
Dt. 13-06-2006

A-7

13-6-2006

I.D. No. 7/2006

Smt. Geeta Vs. Allahabad Bank Statement of Sri J.K. Ambwani, rep. of Allahabad Bank, Zonal Office, Lucknow :

Subsequent upon receipt of reference order the disputes amongst the parties are resolved & Smt. Geeta has been accorded full wages. Accordingly the case may be disposed of as compromise by way of negotiations in Lok Adalat.

Sd/-

J.K. AMBWANI, SM (Pers.)

Statement of Smt. T.B. Singh, Representative of Trade Union.

As stated by the rep. of the bank, I agree that the case is finally settled. The relief given. There is no grievance as to past wages.

Sd/-

T.B. SINGH, AR for Union

नई दिल्ली, 27 जून, 2006

का.आ. 2839.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, चंडीगढ़ के पंचाट (संदर्भ संख्या 23/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-6-2006 को प्राप्त हुआ था।

[सं. एल-12011/216/2000-आईआर (बी-II)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 27th June, 2006

S.O. 2839.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (No.23/2001) of the Central Government Industrial Tribunal No. 1, Chandigarh as shown in the Annexure in the Industrial Dispute between the management of The Regional Manager, Punjab National Bank, and their workman, received by the Central Government on 27-6-2006.

[No. L-12011/216/2000-IR (B-II)]

AJAY KUMAR, Desk Officer

ANNEXURE**CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH**

Case No. I.D. No. 23/2001

The President,
Punjab National Bank Workers Union (NZ),
EG-810-A. Mohalla Gobindgarh,
Jalandhar City (Punjab)
144001

.....Applicant

Versus

The Regional Manager,
Punjab National Bank,
Regional Office,
Delhi Road,
Rohtak (Haryana)

.....Respondent

APPEARANCE

for the workman : None.

For the management : Sh. Ashok Sharma.

AWARD

Passed on 31-5-2006

Central Government vide No. L-12011/216/2000-IR (B-II) dated 16-01-2001 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the Management of Punjab National Bank, represented by Sr. Regional Manager, PNB, Rohtak in withdrawing payment of cyclostyling machine operator allowance, to Shri Attar Singh, Peon, w.e.f. April, 1998 and ordering recovery of allowance already paid w.e.f. July, 1997 to April, 1998 is just and legal? If not to what other relief the workman is entitled to?"

In this case of mgt Adv. Sh. Ashok Sharma is appeared.

2. None appeared on behalf of the workman even today. Learned AR of the management Shri Ashok Sharma requested that the present reference may be dismissed as workman is not interested in this to persue and not appearing. I have also seen that workman did not appear on four dates earlier. Notice was also issued to the workman. It appears that workman or his advocate is not interested in persuing this case. Hence, the reference is returned for non-prosecution. Central Govt. be informed. File be consigned to record.

Chandigarh : RAJESH KUMAR, Presiding Officer

Dt. 31-05-2006

नई दिल्ली, 27 जून, 2006

का.आ. 2840.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओरियन्टल बैंक ऑफ कॉमर्स के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, मुम्बई के पंचाट (संदर्भ संख्या 36/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-6-2006 को प्राप्त हुआ था।

[सं. एल-12011/204/1999-आईआर (बी-II)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 27th June, 2006

S.O. 2840.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.36/2000) of the Central Government Industrial Tribunal-cum-Labour Court, No. II, Mumbai as shown in the Annexure in the Industrial Dispute between the the management of Oriental Bank of Commerce, and their workman, received by the Central Government on 27-6-2006.

[No. L-12011/204/1999-IR (B-II)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO II, MUMBAI

PRESENT :

A. A. Lad, Presiding Officer

Reference : CGIT-2/36 of 2000.

Employers in relation to the Management of Oriental Bank of Commerce

The General Manager,
OBC Regional Office,
Western Region,
Kama Nwala Chambers, 5th Floor,
Sir P.M. Road,
Mumbai-400 001.

And

Their Workmen

The General Secretary,
Oriental Bank of Commerce Employees Union,
Jash Chambers, Gr. Floor,
Sir P.M. Road, Fort,
Mumbai-400 001.
Vinod K. Khuman

APPEARANCE :

For the Employer : M/s. C.R. Naidu &
Co. Advocate

For the Workman : Mr. M.B. Anchan,
Advocate.

Date of reserving Award : 9th May, 2006.

Date of passing of Award : 23rd May, 2006

AWARD—PART-I

The Under Secretary to the Government of India, Ministry of Labour, (Bharat Sarkar), New Delhi, sent this reference in exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 to this Tribunal for adjudication and the Schedule of reference is as follows :

"Whether the action of the Management of Oriental Bank of Commerce to withdraw the Special Allowance payable to Shri Vinod Khuman is legal and justified? If not, what relief is the workman concerned entitled to?"

2. As per the case of the 2nd Party Workman the action taken of withdrawing the special allowances payable to Shri Vinod Khuman, 2nd Party Workman, by the 1st Party Bank on the basis of the alleged enquiry

which was conducted on the basis of the chargesheet, is not legal and justified. To substantiate that, 2nd Party filed his Statement of Claim through Union at Exhibit 5 mentioning and stating that, 2nd Party Workman was working as "E" Grade Head Cashier at Kalbadevi Branch at Mumbai at the relevant time. During that period shortage of money received in the branch was noted. He was working as head cashier in the branch. On 29th July, 1995 charge sheet was served after suspending him from the employment by order dated 21st May, 1995 of the charges of shortage of amount as mentioned on page 2 of Exhibit 5 viz. :

Date	Denomination	No. of Notes	Total amount
20-8-1994	Rs. 500	9	4,500.00
27-1-1995	Rs. 500	50	25,000.00
10-5-1995	Rs. 100	170	17,000.00
15-5-1995	Rs. 100	20	2,000.00
15-5-1995	Rs. 50	10	500.00

were mentioned in it and charge under clause 19.5(j) of the Bipartite Settlement dated 19-10-1966 for doing the act prejudicial to the interest of the Bank was levelled against him. Shri C.A. Joseph was appointed as an Enquiry Officer to conduct inquiry of chargesheet issued against him. According to Union Second Party did not get an opportunity to submit his explanation on the chargesheet. Even list of documents and list of managements witnesses was not provided to Second Party Workman to see into the gravity of the charges. In support of that, though 1st Party has examined 3 witnesses, no sufficient opportunity was given to 2nd Party Workman to cross those witness and closing enquiry hastily it was observed by the Enquiry Officer that, 2nd Party was responsible for shortage of Rs. 25,000 and Rs. 2,000. However, Enquiry Officer acquitted the 2nd Party Workman from remaining charges. Show Cause notice was served on charge sheeted employee with the finding of the enquiry asking to him to show as to why punishment of stoppage of Special Allowance granted to him to the post of "E" grade 'Head Cashier' and stoppage of any wage, allowance, annual increments and any other service benefits and recovery of Rs. 27,000 from his salary should not be imposed upon him. By the said show cause notice he was also given an opportunity of personal hearing and after personal hearing the competent authority imposed the punishment of stoppage of Special Allowances of "E" Grade Head Cashier, increase in wages, allowances, annual increment and any other service benefits and recovery of Rs. 27,000/- was conferred. Being aggrieved by the said order charge sheeted employee preferred an appeal before the Disciplinary Authority and requested to set aside the said order. However, his appeal was not

considered and while rejecting the said appeal, Chief Manager waived the punishment clause of recovery of Rs. 27,000/- noted on account of the shortage of cash, from his salary but maintained the order of stoppage to Special Allowances of "E" Grade "Head Cashier". According to Second Party Workman Union, the charges levelled against charge sheeted employee were baseless. He was not responsible for the shortage of amount as pointed out by the 1st Party. In fact shortage was at the Reserve Bank of India's level as said amount was received by the charge sheeted employee and 1st Party from 'Chief Currency Officer', Reserve Bank of India. He immediately noted shortage and informed to the Chief Currency Officer, Reserve Bank of India. The enquiry was conducted in which it was observed that, the bundles of notes which were received by the charge sheeted employee and the Manager of the 1st Party from the Reserve Bank of India were new bundles of notes and absolutely intact and they were pinned recently. It was also reported that, those were not tampered with and pins were freshly pressed. Then it was also noted that, pink wrapper snugly fitted on the said bundles. Accordingly to 2nd Party Union as far as shortage of Rs. 27,000 is concerned, in new bundles of notes which were received from the Reserve Bank of India through the Central Cash Department on 27th January, 1995 is not concerned with the charge sheeted employee. Besides other shortage of Rs. 2,000/- was noted during the tenure of Mr. C.S. Chawan who was working as a Clerk-cum-Cashier and for that charge sheeted employee cannot be held responsible. As far as other shortage noted at the complaint of the customer, regarding Rs. 17,000/- and Rs. 4500/- charge sheeted employee is not with the said customer did not inform alleged shortage immediately. Said customer kept quiet for days together after receiving the amount from the charge sheeted employee and did not lodge complaint in the prescribed days for which concerned employee cannot be held responsible as he keeps silent for days together about shortage which gives benefit to the charge sheeted employee and not to the customer.

3. According to the 2nd Party, enquiry was held against charge sheeted employee without following principles of natural justice. He was not asked to give explanation to the charges leveled against him. Enquiry was conducted hurriedly. No special appointment order was issued to the Enquiry Officer. Even Enquiry Officer did not advise the charge sheeted employee to submit his explanation. Documents like cash and cash summary book was not provided to the charge sheeted employee. The appeal of the 2nd Party Workman was also not considered by the Appellate Authority. The finding given by the Enquiry Officer on such type of enquiry is perverse. The Enquiry Officer was biased and

he gave finding to oblige 1st Party. When charge sheeted employee demanded time for cross, only period of 2 days were given observing that enquiry was to be completed at the earliest. This remark itself reveals that, Enquiry Officer and 1st Party were eager to punish the charge sheeted employee by hook or crook. Even report of the Branch in which the charge sheeted employee was working reveals that, it is not physically possible to count each and every bundle as on that day amount more than Rupees Nine Lakhs was received by the 1st Party and entire amount was kept in strong room of which one key is with the charge sheeted employee and one with Branch Manager of the said Bank. For the entire episode charge sheeted employee is not responsible and he alone cannot be held responsible. It is submitted that, farce made by the 1st Party of holding enquiry, taking finding from the Enquiry Officer and punishing the charge sheeted employee of withholding special allowance of Cashier is illegal and an prayed that, this Hon'ble Tribunal to hold that the action of the 1st Party in withdrawing the Special Allowance to 2nd Party Workman is illegal and that the same be released from the date of withdrawal.

4. This prayer is disputed by the 1st Party by filing exhaustive reply at Exhibit 9 denying the contention and contending that, enquiry conducted against charge sheeted employee was conducted by following principles of natural justice. It is contended that, full opportunity was given to the charge sheeted employee. He was aware of the proceedings. He was responsible for the amount received in the 1st Party's Branch as he was Head Cashier. He was custodian of the amount and responsible for the shortage of the amount. Sufficient opportunity was given to the Charge Sheeted Employee and there is no substance in the 2nd Party Union's say that, enquiry was conducted hastily and without giving proper opportunity to the charge sheeted employee. The charge of shortage of amount from the bundles given to the customer, who complained after some days was exonerated by the Enquiry Officer and for that the charge sheeted employee was not held responsible. However, he was held responsible for the shortage of amount in the new bundles as said were handled by the 2nd Party only. It is noted that notes were skillfully removed from the bundles and for that he cannot be excused. The Branch Manager did not suspect any other staff member at that point. Even no doubt was taken against the charge sheeted employee. The said amount was received by the Bank. It was noted that in 5 packets 10 notes were missing at the Branch level. The pins were freshly pressed and the pink wrapper snugly fitted. The counting revealed that 10 notes in serial order were missing in five packets and for that he is held responsible. However, review application was also considered by the Appellate Authority and just

punishment of withholding of special allowance is maintained by the Appellate Authority exonerating the charge of shortage noted on the complaint of the customer who complained after some days from withdrawing amount. In fact Bank is sufferer. It bear all that shortage. Did not punish the Charge Sheeted Employee and just withheld special allowance, since he is not working now as Head Cashier. In fact relief was given by the Appellate Authority to the Charge Sheeted employee and now he cannot make any grievance about leniency shown by the 1st Party. As enquiry was conducted by following due process of law and evidence was before the Enquiry Officer to conclude that the Charge sheeted employee was responsible and he was held guilty of the misconduct. As leniency was shown and only meager punishment of withholding special allowance was maintained by the disciplinary authority against charge sheeted employee, now he has no voice to make grievance against 1st Party and its decision. So it is submitted that, the reference sent of withholding special allowance require to be rejected as it does not fall within the definition of 'industrial dispute' i.e. u/sec. 2(k) of Industrial Disputes Act.

5. In view of the above pleadings my Ld. Predecessor framed Issue at Exhibit 10. Out of them Issue Nos. 1 to 3 are treated as preliminary issues and ordering to decide those first by asking the parties to take note of it, which I answer as follows :

Issues	Findings
1. Whether the reference is not maintainable as averred in para-5(g) of the Written Statement?	No
2. Whether the domestic enquiry held against the workman was as per the Principles of Natural Justice?	Yes
3. Whether the finding of the inquiry officer are perverse?	No.

REASONS

Issue No. 1:

6. Charge sheeted employee, through 2nd Party Union made out the case that enquiry conducted against charge sheeted employee was not fair and proper. The finding given on it is perverse. Action taken by the 1st Party of withholding special allowances is not legal and proper. Whereas case of the 1st Party is that, the subject matter of punishment of withholding special allowance of charge sheeted employee cannot fall under Section 2(k) of Industrial Disputes Act as that cannot be called as industrial dispute. To verify this let us see the definition Section 2(k) of the Industrial Disputes Act and what it says.

"Sec. 2(k) : "industrial dispute" means any dispute or difference between employers and employees, or

between employers and workmen, or between workmen and workmen, which is connected with the employment or non-employment or the terms of employment or with the conditions of labour, or any person :”

As per it industrial dispute means any *dispute* or *difference* between employers and employees.... Here the wording ‘any dispute’ or ‘any difference’ is covers under Section 2(k) of the Industrial Disputes Act.

7. Here charge sheeted employee, through 2nd Party Union raises dispute, regarding punishment given to the chargesheeted employee of withholding special allowance of “E” Grade Head Cashier. So as per 2nd Party and concerned employee are concern decision taken by 1st Party of withholding special allowance of Cashier though he is working as a Cashier is *difference* or *dispute* between employer and employee and it is difference between employer and employee and it falls under Section 2(k) of the Industrial Disputes Act, 1947 and the competent authority has referred the said dispute to this Tribunal. In my considered view, this Tribunal is competent to try and entertain such a dispute. Apparently and prima-facie there appears dispute between the 1st Party and charge sheeted employee on which dispute is raised by 2nd Party Union. Accordingly to 2nd Party Union, chargesheeted employee’s special allowance was withhold though charge sheeted employee is working as a cashier is not legal and proper. Whereas case of the 1st Party is that, merely giving such type of punishment i.e. of withholding special allowance of Cashier when charge-sheeted employee is not working as a Head Cashier though he is still as a cashier, is just and proper. As it was token punishment given to him and no other action was taken though 1st Party suffered loss, actually in terms of the deficiency of cash as well as in terms of ‘good will’ and its ‘reputation’. Against that, charge sheeted employee, does not suffer any loss but to only loose special allowances that too is available to Head Cashier and not to all Cashiers. Besides chargesheeted employee is not working as Head Cashier. The Cashier who is working elsewhere, when he is not working as Head Cashier, he is not entitled for the said allowance. However, there that is the dispute and difference. When Section 2(k) of Industrial Dispute Act cover any “*dispute or difference*” in my considered view, the reference sent by the Competent Authority or the grievance of the 2nd Party Union of the charge sheeted employee is maintainable. So I answer this issue in the affirmative and observe that reference is maintainable.

ISSUE NO. 2 & 3 :

8. Second Party Union further states that, enquiry conducted was not just and proper and was not conducted by following principles of natural justice. It is

also contended that, finding was perverse since enquiry itself was not conducted by following the principles of natural justice. Whereas 1st Party submits that, enquiry was conducted by following principles of natural justice. Full opportunity was given to the chargesheeted employee. He did not examine himself, nor offered for cross. It is not shown how enquiry is not fair and proper. It is not pointed out that how principles of natural justice are not followed. Even in the proceedings itself, charge sheeted employee chose not to step into the witness box as happened at the enquiry level. Just he is taking about evidence of the 1st Party and purposely hiding himself away from the proceedings.

9. In that light if we peruse evidence placed on record by 1st party in the form of the documents, submitted at Exhibit 11, we find, enquiry proceedings are placed on record along with finding of it. It is not disputed by the charge sheeted employee and 2nd Party Union. The evidence recorded by the Enquiry Officer. As per that, the 1st Party, examined 3 witnesses and said fact is not disputed by the 2nd Party Union or charge-sheeted employee. Only by grievance of the Second Party is that, opportunity was not given to charge-sheeted employee to cross-examine these witnesses. For that if we peruse the stand taken by the 2nd Party Union that, only 2 days were given to cross-examine the witnesses observing that, enquiry is to be completed speedily, we find opportunity of two days was given to cross examine witnesses. Pausing for a moment, order was passed by the Enquiry Officer permitting charge-sheeted employee to cross-examine the witnesses within two days, question arises, how it can be said that opportunity was not given to him? It is a fact that, period of 2 days was given. It does not mean that no opportunity was given at all as tried to be pointed out by the 2nd Party Union and chargesheeted employee. It records that two days time was given. It does not mean that time was not given. So in my considered view, there is no substance in making grievance saying that no opportunity was given to cross-examine the witnesses. Apart from that no evidence was led by the charge-sheeted employee. It is pertinent to note that, in the enquiry as well as before this Tribunal, chargesheeted employee chose to stay away from recording. The evidence either at the level of the enquiry as well as at the level of recording evidence in this reference is not enjoyed by the chargesheeted employee. It is pertinent to note that, there is only evidence of the management witnesses. Not a single witness is brought on record by the chargesheeted employee to substantiate his case. On that point citation referred by 1st Party Advocate of Supreme Court published in AIR 1999 SC p. 1441 while deciding the case of Vidhyadhar v/s Manikikrao and Ors. wherein it is observed that, “Where a party to the suit does not appear into the witness box and states his own

case on oath, and does not offer himself to be cross-examined by the other side, a presumption would arise that the case set up by him is not correct. This view does not support the act of Charge sheeted Employee of staying away from the Enquiry proceedings as it observed that, said decision of staying away from the inquiry is not just and legal.

10. Regarding the grievance made by the charge-sheeted employee that the documents were not provided viz. summary books for the last two years. However, on that it is not pointed and explained by chargesheeted employee for what purpose he was requiring cash summary books of last 2 years? No intention is projected in asking for such a document neither in the arguments nor in the pleadings. In such a case view, taken by Apex Court while deciding the case of State Bank of Patiala & ors. v/s S.K. Sharma published in 1996 II CLR page 29 by not producing documents which were demanded without any explanation or without pointing purpose behind it, does not vitiate the enquiry and lead to conclude that, it was not fair and proper. Even such non-production does not observed that, enquiry so conducted by violating the principles of natural justice as nothing is shown in what way such a non-production affect.

11. It is a matter of record that, enquiry was conducted by the Enquiry Officer which is under challenge before this Tribunal. It is matter of record that Inquiry Officer recorded evidence and gave opportunity to the charge sheeted employee. In this situation our Hon'ble High Court while deciding the case of Cosmos India Rubber Pvt. Ltd. v/s Mumbai Mazdoor Sabha and ors. published in 1989 I CLR page 432 observed that, it is not open to the Labour Court, which is not sitting as a Court of Appeal, to sit upon judgement or finding of the Enquiry Officer, in domestic enquiry unless those findings were perverse. As per this ruling, unless and until those findings are perverse this Tribunal cannot sit as Appellant Court over the findings of the Enquiry Officer in the domestic enquiry. Here too, it is matter of record that, there was shortage of notes. It was brought to the notice of the chargesheeted employee. Facts reveal that, there was shortage, complaints were made at various levels. It is a matter of record that, charge sheeted employee was the Head Cashier during the relevant period. Definitely he being the Head Cashier, some responsibilities lies with him and for said shortage of amount if Cashier is held responsible, and charge-sheet was served, and enquiry was conducted, evidence was recorded and finding is given by the Enquiry Officer. On such exercise and on evidence if finding given by Enquiry Officer question arises, how it could be said that enquiry was not fair and finding perverse. As stated above, neither the 2nd Party Union nor charge-sheeted employee stepped into the witness box either

Enquiry Officer nor before this Tribunal when the evidence was recorded in the reference when he got opportunity to step into the witness box and dispute the case of the 1st Party or made out his own case on oath.

12. In view of the discussions made above and the facts placed on record in the form of evidence by First Party, I conclude that, enquiry is fair and proper and finding not perverse. Accordingly I answer this Issue to that effect and pass the following order :

ORDER

- (a) Enquiry is fair and findings are not perverse;
- (b) I also observe that, Reference is maintainable;
- (c) Both the parties are directed to appear in this reference on 27th July, 2006 for remaining Issues.

Mumbai,
23rd May, 2006.

A.A. LAD, Presiding Officer

नई दिल्ली, 28 जून, 2006

का.आ. 2841.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, नई दिल्ली के पंचाट (संदर्भ संख्या 1/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-6-2006 को प्राप्त हुआ था।

[सं. एल-12012/151/1999-आईआर (बी-II)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 28th June, 2006

S.O. 2841.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 1/2000) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, New Delhi No. 1 as shown in the Annexure in the Industrial Dispute between the management of Punjab National Bank (North Zone) and their workmen, received by the Central Government on 28-6-2006.

[No. L-12012/151/1999-IR (B-II)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
No. 1, NEW DELHI

I. D. No. 1/2000

In the matter of dispute between :

Shri Rajinder Kumar Sharma,
R/o I-12, LIC Colony,
Dilshad Garden,
Delhi.

Workman

Versus

The Zonal Manager,
Punjab National Bank,
P.N.B., Z.O. Sector-12/8,
Bank Square,
Chandigarh-160017.

Management

APPEARANCES : None for workman.

Shri T.C. Chaudhary Manager (Law),
PNB

For management.

AWARD

The Central Government in the Ministry of Labour vide its Order No-L-12012/151/99/IR (B-II) dated 29-9-1999 has referred the following industrial dispute to this Tribunal for adjudication :—

“Whether the action of Dy. General Manager, Punjab National Bank, Zonal Office, Sector 17, Chandigarh and Regional Manager, Punjab National Bank, The Mall, Shimla in terminating the services of Sh. Rajinder Kumar Sharma S/o Shri M. L. Sharma w.e.f. 1-5-97 is just and legal? If not, what relief the workman is entitled to ?”

2. Brief facts of this case as culled from record are that the workman was appointed in the permanent capacity as clerk-cum-typist on 1-6-85 by the erstwhile New Bank of India at its Shimla branch and transferred to Delhi in November, 1987 and posted at R.K. Puram Branch, New Delhi. From R.K. Puram Branch he was transferred to Regional Office, New Delhi of the New Bank of India on 30-11-90. The New Bank of India was merged with the P.N.B. in September, 1993 as per Govt. of India notification and consequently all employees of the bank became the employees of the P.N.B. with continuity of service without any break. The management of P.N.B. declared large number of New Bank of India employees in clerical cadre as surplus and transferred several employees from Delhi to far off places in U.P., Rajasthan and other places in October/November, 1993. The separation from family and wife had caused lot of mental tension and depression to the workman and he had lost his mental equilibrium due to acute depression and mental problems of being living alone in isolation for a long time. It is stated by the workman that due to home sickness, mental problem and other various problems, the workman had to rush to Delhi where his wife and parents were residing. The workman had got two days leave sanctioned i.e. for 3rd and 4th December, 1996. After reaching Delhi the workman had got an attack of neurological problem and as such was not in a position to join duty. His ailment was so serious that it affected mental faculties of the workman. He got treatment from Col. Dr. C. Lal (Nita Clinic) Ex. Army. and Railway Medical Officer and was declared fit by the said doctor to join duty from 25-11-1997. After the workman

was declared fit he reported for duty on 25-11-97 but the workman was not allowed to join duty and was told that his services had since been terminated by the Management.

3. Management filed written statement denying the claim of the workman and prayed that the workman is not entitled to the relief claimed.

4. Written statement was followed for rejoinder wherein the facts mentioned in the written statement were denied and those of claim statement were reiterated to be correct.

5. The case was adjourned for cross examination of the workman on 17-6-03 and thereafter case has been adjourned for cross examination of the workman on various dates. Perusal of record shows that the workman has not been appearing in this case for the last so many hearing on 15-03-05, 31-5-05, 22-8-05, 21-3-06 and 15-6-06. It appears that the workman is not interested in the prosecution of this case. Hence No Dispute Award is passed. File be consigned to record room.

Further it is ordered that the requisite number of copies of this award may be forwarded to the Central Govt. for necessary action at their end.

Dated : 15-6-06.

S.S. BAL, Presiding Officer

नई दिल्ली, 28 जून, 2006

का.आ. 2842.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओरियन्टल बैंक आफ कॉमर्स के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, नई दिल्ली के पंचाट (संदर्भ संख्या 122/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-6-2006 को प्राप्त हुआ था।

[सं. एल-12012/342/1997-आईआर (बी-II)]

अजय कुमार डैस्क अधिकारी

New Delhi, the 28th June, 2006

S.O. 2842.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 122/98) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, New Delhi No. 1 as shown in the Annexure in the Industrial Dispute between the management of Oriental Bank of Commerce and their workmen, received by the Central Government on 28-6-2006.

[No. L-12012/342/1997-IR (B-II)]

AJAY KUMAR, Desk Officer

ANNEXURE
BEFORE SHRI S.S. BAL : PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT NO. 1,
NEW DELHI

I. D. No. 122/98

In the matter of dispute between :

Shri Satbir Singh S/o Lilla Singh
 Peon-cum-Gunman,
 R. Z. 60-D, Gali No. 25,
 Vashist Park, Opp., Janak Cinema,
 New Delhi-110 046.

Workman

Versus

Oriental Bank of Commerce,
 Govt. of India : Undertakings,
 Regional Office 8/1, Abdul Aziz Road,
 W.E.A. Karol Bagh, Delhi.

Through its General Manager.

Respondent

APPEARANCES : Shri J. Buther for the workman.
 Shri Sunil Parkash A/R for the
 management

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12012/342/97-I.R. (B-II) dated 21-4-98 has referred the following industrial dispute to this tribunal for adjudication :

"Whether the action of the management of Oriental Bank of Commerce in dismissing the services of Shri Satbir Singh w.e.f. 25-10-96 is legal and justified? If not, to what relief the said workman is entitled?"

2. The facts of the case as culled from record are that the workman-applicant was appointed as a peon-cum-Gunman in the bank on 16-6-82. The applicant has served the bank faithfully and has a clean record of service. The applicant was neither served any charge sheet nor awarded any punishment during his long period of service. The workman was granted increments of pay every year in appreciation of his service.

The respondent bank has struck off the name of the applicant-workman from the rolls of the bank without complying with the provisions of section 25-F of the I.D. Act (hereinafter referred to as the Act). The applicant workman was ill and had submitted application for leave supported by Medical Certificate which were duly received by the bank. He was not informed that leave

has not been sanctioned. The application for leave was also sent on 19-11-96. It is further stated that the applicant workman on 3-12-96 sent a registered notice through his counsel against the order passed by the bank on 28-11-96 and the bank has not cared to send any reply thereto. It is further stated that the termination of service of the workman is illegal for the reasons given above. The management has not complied with section 25-F and 25-G of the Act and retained as peons-cum-Gunmen who are juniors to the workman. It is, therefore, prayed that the award be passed in favour of the workman awarding him reinstatement with full back wages in the interest of justice.

3. In the written statement the management admitted that the workman was appointed as Peon-cum-Guard on 16-6-82 and not as Peon cum Gunman. In reply or para 2 it was stated that the workman was in the habit of avoiding to perform his duties on one pretext or the other and also in the habit of remaining unauthorisedly absent from his duty. It is also stated that the workman in collusion with some other persons in the year 1995 tried to defraud the management bank. F.I.R. No. 303 of 1995 under Section 420 I.P.C. was also lodged at Naraina Police Station. In reply to para 3 it is stated that the workman was never granted any increment in appreciation of his services. The increments given to him were as per the rules and service conditions applicable to the workman. In reply to para 4 it is admitted that the name of the workman was struck off from the rolls of the bank on 28-11-96 and it is stated that in the case of cessation of services by the workman the provisions of section 25 of the Act does not apply and so no question of compliance of the above said provisions arise. It is stated that the workman remained unauthorisedly absent from 28-10-95 when he was posted at Extension Counter Gita Rattan Jindal Public School, Rohini. He was advised repeatedly vide registered A.D. letters dated 10-11-95, 16-12-95 and 12-3-96 to report for duties and to submit explanation for his unauthorized absence which he never did. The workman sent a letter dated 18-3-96 alongwith a medical certificate and on 27-3-96/2-4-96 the workman was advised to reoport within 3 days of the receipt of this letter on 25-10-96 the workman was issued a notice under the provisions of para 17(A) of the Bipartite Settlement dated 10-4-89 and he was advised to report within 30 days of the date of issue of this notice. No reply was received to the notice nor the workman reported for duty. Hence the name of the workman was struck off from the rolls of the management on 28-11-96 with retrospective effect.

4. Written statement was followed by rejoinder wherein the controverted facts of the written statement were denied and those of claim statement were reiterated to be correct.

5. It is not disputed that the workman remained absent from duties w.e.f. 28-10-95 onward till he moved application dated 28-5-97 requesting the Assistant Manager to condone his absence because of his illness of his wife and to take him back on duty. He also placed on record his medical certificate from private clinic of Dr. K. Khastgir, M.B.B.S. of Friends Poly Clinic in respect of his illness and medical certificate of his wife dated 6-5-96 from Base Hospital Delhi Cantt. He was requested by the bank vide registered A.D. letters dated 11-10-95, 16-12-95, 12-3-96 to report for duties and to submit his explanation for unauthorized absence. The workman sent a letter/application dated 18-3-96 alongwith medical certificate. He was again advised to report for duty within 3 days of the receipt of this letter on 27-3-96/2-4-96 and to furnish explanation for his absence but he failed to do so and lastly the workman was issued notice under the provisions of Para 17-A of Bipartite Settlement dated 17-4-89 advising him to report for duty within 30 days from the date of issue of the notice or to give satisfactory explanation in respect of his unauthorized absence but he failed to do so and thereafter the respondent informed the workman that his name has been struck off from the rolls of the respondent bank vide letter dated 28-11-96. Thus the services of the workman was terminated i.e. his name was struck off from the rolls of the respondent bank when he failed to report for duty within 30 days in respondent to the notice issued under the provisions of clause 17A of the Bipartite Settlement which are reproduced as under :

“When an employee absents himself from work for a period of 90 or more consecutive days, without submitting any application for leave or for its extension or without submitting any application for leave or for its extension or without any leave to his credit or beyond the period of leave sanctioned originally/subsequently or when there is satisfactory evidence that he has taken up employment in India or when the management is satisfied that he has no intention of joining duties, the management may at any time thereafter give a notice to the employees at his last known address calling upon him to report for duty within 30 days of the notice, stating inter alia, the grounds or coming to the conclusion that the employee has no intention of joining duties and furnishing necessary evidence, where available. Unless the employee reports for duty within 30 days of the notice or give and explanation for his absence within the said period of 30 days satisfying the management that he has not taken up another employment or avocation and that he has no intention of not joining duties, the employee will be deemed to have voluntarily retired from the bank's service on the expiry of the said notice. In

the event of the employee submitting a satisfactory reply, he shall be permitted to report for duty thereafter within 30 days from the date of the expiry of the aforesaid notice without prejudice to the bank's right to take any action under the law or rules of service.”

6. According to the said provisions the workman is deemed to have voluntarily retired from the services if he fails to report for duty within 30 days from the service of the aforesaid notice and his name is struck off from the rolls of the service of the bank. The questions which require determination herein are (1) whether the said notice was served upon the workman and (2) whether the explanation tendered by the workman is satisfactory. In the instant case the respondent bank claims to have sent various letters to the workman dated 10-11-95, 16-12-96, 12-3-96, 27-3-96/2-4-96, requesting him to report for duty through postal receipts (1) dated 13-11-95, (2) dated 18-12-95, (3) dated 26-7-95 (4) date not legible receipt No. 1423, but the workman failed to report for duty despite the said letters and ultimately the workman was issued notice dated 25-10-96 to report for duty within 30 days from date of issue of notice. Workman did not report for duty despite said notice and thereafter the services of the workman were terminated vide order/letter dated 28-11-96. The respondent has placed on record postal receipts in respect of letters dated 25-10-96 and 28-11-96. The notice dated 25-10-96 has been sent to the workman Satbir Singh, Peon-cum-clerk on his residential address RZ-60D Gali No. 25, Vashist Park, Delhi. The workman has also mentioned the said address in his claim statement and the said address is also mentioned in the reference order. The said address is as follows:

“Satbir Singh S/o Lilla Singh,
Peon-cum-Gunman, RZ 60-D
Gali No.25, Vashist Park,
Opp. Janak Cinema,
New Delhi-110046.”

7. In these addresses the words “Opposite Janak Cinema.” are also mentioned which are not mentioned in the address of the workman on above said letters which were sent by the management to the workman but the non mentioning of the said words i.e. “Opposite Janak Cinema” in the address on the letters to my mind does not make much difference as the letters sent through post on the address sans the words “Opposite Janak Cinema” will also reach the addressee (workman) and the same has been received by him. Letter posted to the correct address is presumed to reach its destination/i.e. the addressee. In this case the letter has been sent through post on the correct address of the workman and a presumption arises under the provisions of Section 114(f) of evidence Act. (see Illustration if to Section 114

(f) that the said letter sent through post has reached at its destination i.e. addressee (workman) and the same has been received by him. This fact that the letter has been received by the workman also receive corroboration from the workman's reply dated 28-5-97 wherein it is mentioned that he received some letters after some delay (though he has not specifically mentioned as to which of the letters he received after delay. Therefore I am of the opinion that the notice dated 25-10-96 which has been sent to the correct address of the workman has been received by addressee i.e. workman and his statement that he did not receive the same is incorrect. This notice must have been received within a week or 10 days from its posting on 28-10-96. It was sent at the local address within Delhi as any letter posted in Delhi (Local Address) can be easily received by the addressee within such time but the workman did not furnish any reasonable explanation within one month in compliance of the notice dated 25-10-96. The workman furnished explanation of his long absence from duty from 28-10-95 till 18-3-96, that he could not report for duty during the period w.e.f. 25-10-95 to 18-3-96 due to his illness and illness of his wife. He submitted his medical certificate along with his application dated 18-3-96 that he suffered from Hypertension and Angina from the Friends Poly Clinic, Janak Puri, New Delhi 58 as well as the certificate of his wife showing that she has undergone operation for gyane problem and she has received treatment from Base Hospital Delhi Cantt. on 6-5-96. It is thus evident that the workman has not furnished the certificate within one month from the receipt of the aforesaid notice as per provisions in para 17A of the Bipartite Settlement. The genuineness of these medical certificates have not been disputed by the management. Therefore it is evident that the workman as well as his wife were ill. It may be possible that due to their illness he has not been able to furnish his explanation within time but it appears that he has taken incorrect plea that he did not receive the aforesaid notice just to avoid the consequence. However, the delay if any in furnishing his explanation can be condoned in view of his long illness followed by the illness of his wife. I, therefore, am of the opinion that the action of dispensing with/ dismissing his service is too harsh and is not justified and legal and the same is liable to be set aside. The workman is, therefore, ordered to be reinstated in service.

7. There is no evidence that the workman has been employed gainfully during the period w.e.f. 25-10-96 onward till date. Taking into consideration the entire facts and circumstances it would serve the ends of justice if he is given 20% back wages.

Dated : 21-6-2006 S.S. BAL, Presiding Officer

नई दिल्ली, 30 जून, 2006

का.आ. 2843.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल बैंक आफ इण्डिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण / श्रम न्यायालय लखनऊ के पंचाट (संदर्भ संख्या 174/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-06-2006 को प्राप्त हुआ था।

[सं. एल-12012/146/2001-आईआर (बी-II)]

सी. गंगाधरन, अवसर सचिव

New Delhi, the 30th June, 2006

S.O. 2843.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 174/2001) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Lucknow as shown in the Annexure in the Industrial Dispute between the management of Central Bank of India and their workmen, received by the Central Government on 30-06-2006.

[No. L-12012/146/2001-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

Present : Shrikant Shukla, Presiding Officer

I. D. No. 174/2001

Ref. No. L-12012/146/2001-IR (B-II) Dt. 29-11-01

BETWEEN

Shri Kailash Kumar,
S/o Sri Ramesh Kumar,
Mohalla Lotanpura,
Budaun (U.P.) 243601

AND

The Regional Manager,
Central Bank of India, Regional Office,
B-88, Civil Lines,
Bareilly (U.P.) 343001

AWARD

The Government of India in the Ministry of Labour, New Delhi, Referred the following dispute No. L-12012/146/2001-IR (B-II) dated 29-11-01 for adjudication to the Presiding Officer, CGIT-cum-Labour Court, Lucknow :—

"Whether the action of the management Central Bank of India, Bareilly in terminating the services of Sri Kailash Kumar S/o Ramesh Kumar Part time sweeper w.e.f. 10-11-99 is fair and justified? If not, what relief the workman is entitled to?"

Worker's case in brief is that he was engaged in the bank's service by the Branch Manager, Budaun in the clear vacancy of part time sweeper on 10-1-99 to 9-11-99. It is further stated that he was engaged in place of Ram Babu part time sweeper who was promoted as full time peon and posted at Bisharatganj, Bareilly Branch. It is further stated that he performed the duties of Subordinate Staff in whole day and bank has paid him daily wages @ Rs. 10/- per day. Thus he has put in for more than 304 days in a calendar year. Worker has stated that Dy. Manager S.P. Mehrotra of Budaun branch was taking his personal work from the worker as Coolie. He daily purchased 60 to 70 Kg foodable items from the market and forced the worker to carry the same from bank or market to Railway Station either on his shoulder or on bicycle. Railway station 1.5 Km far from the branch. Worker did so, but one day worker fell down with the luggage as he was not feeling well on that day. Mr. Mehrotra became very much angry on him. Next day the same problem was there, worker refused to carry the foldable items weight of them was not less than 70 kg. Dy. Manager Sri Mehrotra became very much angry on him and refused NOT TO COME BY TOMORROW. The worker reached on duty on 10-11-99, But Dy. Manager, Sri Mehrotra did not allow him to Work. Worker asked for reasons for termination, but the Sri Mehrotra did not disclose the reasons to the worker for his termination for the bank service. Worker therefore approached the Branch Manager Sri M.M. Saxena but he showed his inability in interfering the branch matter. Sri Saxena informed that Dy. Manager Sri S.P. Mehrotra is empowered to take the decision in this matter. It is further stated that Sri Mehrotra engaged a junior to me namely Sri Vinay Kumar Rohil on 10-11-99 as a part time sweeper in my place, although union leader opposed it, but he did not listen them and instructed Sri Vinay Kumar Rohil to work as part time sweeper in the branch. Sri Vinay Kumar Rohil Paid Rs. 25/- per day for the worker of part time sweeper, Sri Mehrotra was paying me Rs. 10 per day for the same work. Worker represented on 31-1-2000 to Regional Manager, Central Bank of India, Bareilly region informing him full facts but no response was given to the worker. Worker thereafter sent a reminder dt. 24-5-2000 narrating the full facts in this matter, but no response was given by the Regional Manager. Worker again representation 18-6-2000, 3-8-2000 and requested for reinstatement in the bank's service but no response was given to him. Worker has therefore prayed that he should be reinstated in the bank's service and the difference of wages paid to him. He has further requested appropriate action be taken against Sri Mehrotra. Opposite party has filed written statement wherein the Management of the bank has denied the claim. It is submitted that the worker was never engaged by the Branch Manager Budaun on any post. Moreover branch manager has no power to engage

any person on permanent or temporary post. The management has stated that it is false and incorrect to say that the worker was appointed in place of Ram Babu, Part time sweeper. It is further submitted that the story submitted by the worker is concocted. It is further submitted even Dy. Manager has no power to appoint any one at any service of the bank. It is submitted that the worker was supplying water to the bank and was paid the cost of the water and after doing this job some casual labours are required in particular branch for which they are duly paid according to the work taken from them. However it does not create any relationship of employer and employee. It is also submitted that the worker has not worked for 304 days in a calendar year.

The worker has filed following photo copies of the documents:

1. Worker's own application dt. 31-1-2000, 24-5-2000, 18-6-2000 and 3-8-2000.
2. Bank's circular No. RP: RS :2000-01:1387 dt. 17-8-2000.
3. Bank's response before ALC(C) Dehradun dt. 30-4-01.

Worker has examined himself as witness.

Opposite party has filed affidavit of Sri S.P. Mehrotra Dy. Manager, Central Bank of India, Budaun During August 99 to June 2001.

Worker or his representative has not turned up to cross examine Sri S.P. Mehrotra

It is pertinent to mention here than 6-7-2004 the worker examined himself and closed his evidence and 21-9-04 was fixed for evidence of the opposite party. On 21-9-04 the opposite party sought adjournment and therefore 22-12-04 was fixed for opposite party's evidence. On 22-12-04 the application paper No. D-28 was filed on behalf of the worker for adjournment which was allowed and the next date fixed was 4-4-05 for evidence of opposite party. On 4-4-05 the application paper No. D-29 was moved for adjournment of the case which was allowed and 12-7-05 was fixed for evidence. On 12-7-05 opposite party moved adjournment application which was allowed and 19-7-05 was fixed for evidence of the opposite party. On 19-7-05 none appeared for the worker and D-32 application moved for adjournment on behalf of the opposite party, therefore 23-8-05 was fixed for evidence. On 23-8-05 also the worker did not turned up and opposite party was present with Dy. Manager Sri S.P. Mehrotra therefore court ordered the case proceeded ex-party against the workman and 2-9-05 was fixed for opposite party evidence. Opposite party was directed to file affidavit of his witness on 2-9-05. On 2-9-05 the opposite party filed

affidavit C-33 and the worker moved application C-34 for setting aside order for ex-party hearing or 23-8-05 with affidavit. 24-11-05 fixed for disposal of C-34. On 24-11-05 C-34 was disposed of and in the interest of justice ex-party order dt. 23-8-05 was setting aside at the cost of Rs. 200/- and the next date fixed for opposite party evidence was 20-2-06. On 20-2-06 opposite party's representative appeared worker remained absent and since presiding officer was on leave the case was fixed for opposite party evidence on 24-4-06. Worker remained absent on 24-4-06 worker also did not pay the cost for setting aside ex-party order dt. 23-8-05. It was therefore believed that the worker was not interested to contesting the case. 14-6-06 as fixed for opposite party's evidence. Opposite party was directed to file affidavit in support of his case. On 14-6-06 the opposite party's representative Sri C.K. Seth stated that opposite party has already filed affidavit paper No. C-33. Worker was to cross-examine the witness but the worker has not turned up nor his representative has turned up nor worker has paid cost as imposed on 24-11-05. He has also stated that the cost was preconditioned for setting aside the ex-party order therefore the case shall be deemed to be proceed ex-party against the worker. Since the cost was not paid and the worker was not present therefore on 14-6-06 the case was again ordered to proceed ex-party against the worker and 15-6-06 ex-party argument is heard. I have perused the evidence on record carefully. Worker has stated in the cross-examination that he was given the appointment letter. However, the said appointment letter is in the possession of the bank on being questioned what salary was written in the appointment letter whether the salary was mentioned. The worker replied that the salary was not written in the appointment letter. The worker was asked whether he has moved any application for summoning the appointment letter to which the worker answered in negative.

On the one hand the worker states that he was appointed part time sweeper and has also stated that he was given appointment letter but no such appointment letter has been filed by the worker nor has been summoned from the bank. Worker testimony is not trustworthy as had the appointment letter being issued by the bank it could have narration about salary and the period for work if he was part time sweeper.

Worker on being questioned as to who appointed him in the bank, the worker stated that Sri S.P. Mehrotra appointed him. Thereafter he stated that Sri M.M. Saxena appointed him. He has not stated that who is appointing authority according to the bank regulations in the case of part time sweeper.

Worker has stated in his cross-examination that he was signing the attendance register and thereafter he denied his statement. He has also stated that he has not

got the attendance register summoned. As the worker himself denied signing, on the attendance register therefore there was no question of getting attendance register summoned. Had the worker been part time sweeper he could have been asked to sign the attendance register for the purposes of his salary. He has also stated in the cross examination that he never attended the bank during the holidays in the bank.

It is noteworthy that he was getting Rs. 10 per day on being questioned whether he complained against such payment the worker denied having made any complaint. He has also stated that he was not paid Rs. 10 per day instead he was paid after a week or 15 days.

From statement of the worker it appears that he was a casual labour @ Rs. 10 per day.

Sri S.P. Mehrotra has stated in affidavit that he was Dy. Manager in Central Bank of India during August 99 to 2001 and was posted in Central Bank of India, Budaun on the post of Dy. Manager. He has also stated that the worker Kailash Kumar never appointed in the bank nor Kailash Kumar ever worked in the Central Bank of India. It is further stated by him in affidavit that "It is wrong to say that Kailash Kumar was appointed part time sweeper on 10-1-99 to 9-11-99. It is further false to say that Kailash Kumar was appointed part time sweeper in place of Ram Babu who was promoted as full time peon at Bareilly." He has also stated that it is false to say that Kailash Kumar performed the duties of Subordinate staff and was paid wages @ Rs. 10 per day."

Sri S.P. Mehrotra has also stated in his affidavit as follows:

That the Branch Manager of the Bank no powers to appoint any person at any post. It is further false to say that the deponent used to take personal work from Kailash Kumar. It is false to say that the deponent used to purchase 60-70 Kg. Foodable items and Kailash Kumar used to carry them and that it was the deponent who asked the applicant not to come to the bank. The story stated by the worker is totally false.

That Kailash Kumar used to supply water for which he was paid cost of the water.

That Kailash Kumar was never paid any wages.

That the deponent never seen Kailash Kumar worker at any post in the bank during his tenure.

That it is absolutely false and incorrect to say that Kailash Kumar worked in the bank for 324 days. As a matter of fact he did not work even for single day at any post in any capacity.

That it is again false and incorrect to say that Kailash Kumar was paid wages.

That as per records of the Bank no vouchers of payment in the name of Kailash Kumar are there.

That it is false to say that it was the deponent who on 10-11-99 asked the applicant not to work. Since the applicant never worked in the bank there was no such occasion. It is further false to say that the deponent engaged Vinay Kumar Rohil in place of the applicant.

Form carefully going through the evidence of the parties I come to the conclusion that worker used to supply water for which he was paid the cost of the water. Sri S. P. Mehrotra has not been cross examined and therefore there is no question to dis-believe his statement in affidavit. Worker has not filed any document or any other evidence to support his case that he was the employee of the bank and was paid Rs. 10 per day. Worker's own testimony is therefore not sufficient to prove that he was part time sweeper of the bank and was appointed as such as he has alleged in the statement of claim. Therefore there is no question of his termination by the bank authorities as alleged. The issue is therefore answered accordingly and the worker is not entitled to any relief whatsoever.

Lucknow, the 26-6-2006.

SHRIKANT SHUKLA, Presiding Officer

नई दिल्ली, 30 जून, 2006

का.आ. 2844.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण आसनसोल के पंचाट (संदर्भ संख्या 7/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-6-2006 को प्राप्त हुआ था।

[सं. एल-22012/255/1999-आई आर (सी-II)]
अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 30th June, 2006

S.O. 2844.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 7/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of ECL and their workmen, which was received by the Central Government on 29-6-2006.

[No. L-22012/255/1999-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

PRESENT :

Shri Md. SARFARAZ KHAN, Presiding Officer

REFERENCE NO. 07 OF 2000

PARTIES

The Agent, Samla Colliery of
M/s. E.C.L. Pandaveshwar, Burdwan.

Versus

Asstt. General Secretary,
Koyala Mazdoor Congress,
Asansol.

REPRESENTATIVES

For the Management : Sri S. P. Roy, Sr. P. O.

For the Union (workman): Sri S. K. Pandey, General
Secretary, Koyala Mazdoor
Congress, Asansol.

Industry : Coal
State : West Bengal

Dated the 10-05-2006

AWARD

In exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the industrial disputes Act, 1947 (14 of 1947), Govt. of India through the Ministry of Labour *vide* its letter No. L-22012/255/99-IR(CM-II) dated 30-12-99 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

"Whether the action of Management of South Samla Colliery, M/s. Eastern Coalfields Limited in not forwarding the age dispute in respect of Sri Munnal Harijan, Locoseman to the Apex Medical Board for assessment of his age is legal and justified? If not, what relief the workman is entitled to?"

After having received the Order No. L-22012/255/99-IR(CM-II) dated 30-12-1999 of the aforesaid reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. 7 of 2000 was registered on 18-1-2000/10-10-01 and accordingly an order was passed to issue notices to the respective parties through the registered post directing them to appear and file their written statements along with the documents and the list of the witnesses in support of their case. In compliance of the said order notices through the registered post were sent to the parties concerned.

On perusal of the record it transpires that after having received the registered notice Sri S. K. Pandey, General Secretary of the union appeared on behalf of the workman and Sri S. K. Roy, Sr. P. O. South Samla Colliery appeared on behalf of the management along with the letter of authority duly authorized by Dy. CME/Sri A. K. Dhar, South Samla Colliery and subsequently filed written statement on behalf of the management.

From perusal of the record it transpires that 7-3-06 was the date fixed for filing written statement on behalf of the union but the union remained absent and no step was taken on behalf of the union and Sri S. K. Pandey, the representative of the union submitted in the court that he has got no instruction from the side of the workman so he does not want to proceed with the case further. In such circumstance it is not proper and advisable to keep the record pending any more specially when the workman and the union itself is not interested to proceed further with the case. As such it is hereby.

ORDERED

that let a "No Dispute Award" be and the same is passed. Send the copies of the award to the Ministry of Labour, Govt. of India, New Delhi for information and needful. The reference is accordingly disposed of.

MD. SARFARAZ KHAN, Presiding Officer

CORRIGENDUM

New Delhi, the 11th July, 2006

S. O. 2845.—In the notification of the Government of India, Ministry of Labour & Employment Published in the Gazette of India Part-II, Section 3, Sub-section (ii) dated 4th March, 2006 *vide* S. O. No. 886, the word "Kishanpur" shall be substituted by the word "Kishanpura".

[No. S-38013/11/2006-SS.-I]

K. C. JAIN, Director